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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1938

No. 142

HUGH PIERRE, PETITIONER.

VS. .

STATE OF LOUISIANA

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE
OF LOUISIANA

PETITION FOR CERTIORARI FILED JUNE 22, 1938.

CERTIORARI GRANTED OCTOBER 17, 1938.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1938

No. 142

HUGH PIERRE, PETITIONER,

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STATE OF LOUISIANA

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE
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SUPREME COURT OF THE STATE OF LOUISIANA

No. 34742

Filed January 15th, 1938. *Louis P. Niklaus*, Dpy. Clerk

[fol. 20] IN TWENTY-FOURTH JUDICIAL DISTRICT COURT OF
LOUISIANA, PARISH OF ST. JOHN THE BAPTIST

THE STATE OF LOUISIANA,
Twenty-Fourth Judicial District, ss:

INDICTMENT FOR MURDER—Filed January 18, 1937

The Grand Jurors of the State of Louisiana, duly empaneled and sworn, in and for the body of the Parish of St. John the Baptist, in the name and by the authority of the said State, upon their Oath, present: That one Hugh Pierre, late of the Parish of St. John the Baptist, on or about the twentieth (20th) day of October in the year of Our Lord, One Thousand Nine Hundred and Thirty-Six (1936) with force of arms, in the Parish of St. John the Baptist, aforesaid, and within the jurisdiction of the Twenty-Fourth Judicial District Court of Louisiana, in and for the Parish of St. John the Baptist, aforesaid, then and there being, murdered one Ignace Rousselle, contrary to the form of the Statute of the State of Louisiana, in such case made and provided, and against the peace and dignity of the State.

(Sgd.) Jno. E. Fleury, District Attorney of the
Twenty-Fourth Judicial District.

[File endorsement omitted.]

Endorsement on the Front on said Indictment: No. 62. The State of Louisiana vs. Hugh Pierre. Indictment for Murder. January 18th, 1937. A True Bill. Albert Millet, Foreman of the Grand Jury, Parish of St. John the Baptist, La.

SENTENCE

7/29/37.—Sentence to suffer hanging by the neck until he be dead, dead, dead.

(Sdg.) L. Robert Rivarde, Judge.

Witnesses :

J. F. Abadie.
 M. A. Perret.
 Dr. J. R. Fernandez.
 Leopold Ory.
 Michel Ory.
 Robert Desroche.

Sheriff Wm. Duhe.
 Alfred Ory.
 Albin St. Pierre.
 Emile Hempel.
 E. J. Berthelot.
 Alcie Fabre.

VERDICT

Endorsement on the Reverse of said Indictment:

July 20th, 1937. Guilty as Charged.

(Signed) Leon A. Picou, Foreman.

[fol. 21] IN TWENTY-FOURTH JUDICIAL DISTRICT COURT,
 PARISH OF ST. JOHN THE BAPTIST, STATE OF LOUISIANA

No. 62

STATE OF LOUISIANA

VS.

HUGH PIERRE

MOTION TO QUASH—Filed January 26, 1937

Now into Court comes Hugh Pierre, defendant herein through his undersigned attorney, Maurice R. Woulfe, and moves this Honorable Court to quash the Indictment herein against him, and to hold the same for naught, on the following grounds and for the following reasons to-wit:

1

That mover is indicted herein for murder of a white man or person of the white race.

2

That mover is a member of the negro race.

3

That the trial of mover will be held in the Parish of St. John the Baptist, Louisiana, and that at least one-third

the population of said Parish consists of negroes or members of the colored race.

4

That the general venire box for the Parish of St. John, did not contain the names of any negro- at the time the panel for the Grand Jury was drawn, which returned the Indictment herein against mover; that the officers of the law in charge of said matter not only failed to place in said venire box the names of any negroes qualified to serve as Grand or Petit Jurors but deliberately excluded therefrom the names of any negroes qualified to serve as Grand or Petit Jurors, which action on the part of said officers is a denial of due process of law, and is a violation of movers constitutional rights as granted him by the Constitution of the State of Louisiana, of 1921, and specially the 14th Amendment of the Constitution of the United States of America.

5

Mover further shows, that he is informed and believes and so avers that there has not been a negro on the Grand Jury or Petty Jury of said Parish for at least 20 years; that the officers of said Parish have systematically, unlawfully and unconstitutionally excluded negroes from the Grand or Petit Jury in said Parish during this period of time; that this exclusion of negroes as Jurors in this Parish is done solely and only because of their race and color and results in a denial to mover of due process of law and the equal protection of the law guaranteed him under the Constitution of the State of Louisiana of 1921, and the Constitution of the United States of America.

Wherefore, mover prays that the Indictment herein rendered against him and the entire Grand Jury or Petty Jury Venire and Panel be quashed, annul-ed and set aside and held for naught and for further orders as may be necessary in the premises.

(Signed) Maurice R. Woulfe, Attorney for Defendant.

Duly sworn to by Hugh Pierre. Jurat omitted in printing.

4
[fol. 22] IN TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF ST. JOHN THE BAPTIST

[Title omitted]

JUDGMENT ON MOTION TO QUASH—Filed January 27, 1936

The Defendant having filed a motion to Quash the Grand Jury as well as the Petit Jury, selected and drawn for the January 1937 criminal term of court, attacking same on the ground that the accused being a member of the colored or Negro race would not receive a fair and impartial trial in the Parish of St. John the Baptist, because the Jury Commissioners of the Parish of St. John the Baptist failed and neglected to place sufficient members of the Negro race upon the Grand as well as the Petit Jurors, was, tried, argued and submitted to this Court for decision.

In passing upon this question the court is of the opinion that the Constitutional rights of the defendant is not affected by reason of the fact that persons of the Colored or African race are not placed on the Grand Jury, because that August Body investigates and inquires into the criminal matters placed before it. They as a general rule hearing only the evidence which may be placed before them through the States Representatives and cannot affect any accused because in the event of a true bill presenting the accused for trial and a trial is had the Court is by law compelled to charge the Jury and which charge has been invariably given to the Jury that the mere presentment of an indictment is not evidence of guilt. In other words it simply informs the Court of the commission of a crime and brings the accused before the court for prosecution.

Therefore in so far as the attack upon the Grand Jury by the accused is concerned the Court is of the opinion that he is not entitled to the relief prayed for and therefore his motion attacking the indictment on the ground above set forth are denied and overruled.

Now in so far as it affects the drawing of the petit jury, by the Commissioners, in, that, they failed to place a sufficient number of the names of people of the colored race in proportion to the colored population of the Parish of St. John the Baptist, the Court is of the opinion, in the following decision the Supreme Court of the United States, *the* the motion to quash the petit jury venire should be maintained and therefore,

It is Ordered, Adjudged and Decreed, that in so far as the drawing of the Petit Jury by the Commissioners is concerned that the same be and is hereby quashed and the entire [fols. 23-27] Petit Jury discharged without date.

Judgment, Rendered, Read and Signed in open Court this 27th day of January 1937.

(Signed) L. Robert Rivarde, Judge.

[fol. 28] IN TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF ST. JOHN THE BAPTIST

[Title omitted]

BILL OF EXCEPTION No. 1

Be it remembered that on this 26 day of January, 1937, in Open Court, in the 24th Judicial District Court for the Parish of St. John the Baptist, State of Louisiana, before the Hon. L. Robert Rivarde, presiding in said Court, the said defendant being called for arraignment in the above numbered and entitled cause of the State of Louisiana vs. Hugh Pierre, and before arraignment the said defendant duly filed his Motion to Quash the Indictment herein rendered against him, and the Grand Jury and panel which returned and found same, as well as the Petit Jury, for the grounds and reasons stated in said Motion to Quash, and did produce and offer testimony in connection therewith and did prove at the trial of said motion to Quash that negroes as persons of color had been purposely excluded from the Grand Jury Venire and Panel which returned said indictment against defendant on account of their color and race, and in violation of defendants Constitutional rights guaranteed him under the Constitution of the State of Louisiana of 1921, and the 14th Amendment of the Constitution of the United States of America; that after the close of said testimony and argument on said Motion to Quash, the Court refused to grant defendant's Motion to Quash the said indictment herein rendered against him, and the said Grand Jury Venire and Panel and overruled the same, and sustained part of the Defendant's Motion to Quash, in that the Court quashed the Petit Jury Venire and gave his judgment in writing, to which ruling the Trial Court defendant then and there duly excepted to be the ruling and judgment

of the Court and reserved this, his Bill of Exceptions, making the indictment, the Grand Jury Venire and panel and the proce verbal of the Jury Commissioners and the Petit Jury Venire, the minutes of the Court, the motion to Quash and the testimony taken on the trial of said motion to Quash and the Court's judgment handed down on the 27th day of January, 1937, part of this, his bill of exceptions, which he now tenders for signature and prays that the same be allowed and signed accordingly.

(Signed) L. Robert Rivarde, Judge.

[fol. 29] IN TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF ST. JOHN THE BAPTIST

BY THE COURT—PER CURIAM TO BILL OF EXCEPTION No. 1

I maintained the motion to quash the petit jury panel for the reason that there were no negroes called to serve upon that jury, but I refused to maintain the motion to quash the Grand Jury because there were no negroes sitting as members of the Grand Jury which returned the indictment.

My reason for quashing the petit jury was in line with the Scottsboro case, in which the Supreme Court of the United States reversed the verdict of the jury and the judgment of the lower court, on the ground that the accused was deprived of his constitutional rights, by reason of the fact that there were no negroes drawn on the petit jury panel to try the case. Hence, on this point, he can have no cause for complaint, because this part of the motion was sustained.

In so far as the Grand Jury Panel is concerned, the law gives the Jury Commissioners the right to select citizens without the necessity of drawing them, as in the case of Petit Jurors (Code of Criminal Procedure, Art. 180), from the jury box. and I refused to sustain the motion to quash the Grand Jury on the ground alleged, for the reason that if, for instance, we take a manslaughter case, which is a felony punishable by imprisonment in the penitentiary not exceeding twenty years, because the District Attorney who files an information charging a negro accused with the crime of manslaughter happens to be a white official, this fact would be no ground for quashing an information, for if it were, then every time a white District Attorney filed an

information against a negro accused of any felony whatsoever, the information would be open to a motion to quash, because a negro happened to be informed against by a white District Attorney.

For the same reason, a Grand Jury composed of white men would not deprive the accused of his constitutional rights, by merely returning an indictment, which only has the effect of presenting the accused to the bar for trial, but is no evidence of his guilt. Hence, I consider that this bill is untenable in so far as this part of the motion to quash is concerned, and I refused to quash the same.

After the motion to quash had been sustained in part, as to the petit jury, during the January, 1937, term of this court, the case was tried in the July 1937, term of court, at which time a jury panel composed of both whites and blacks was drawn.

A jury of twelve men to try the case was obtained from a regular panel of thirty names, of which twenty-eight responded for service, and a tales jury panel of fifty names of which thirty-two responded. Among the both panels, there were four negroes called for service. The first negro juror stated that he did not think he would understand sufficiently well to pass intelligently upon the issues involved; the second negro was challenged by the State, and the two others who were called, each was excused for cause, because they were both opposed to capital punishment.

[fols. 30-36] I consider both the regular panel and the tales panel jury drawn for service which tried the case, were in strict accordance with the constitution and laws of the State of Louisiana, and in accord with the decision of the Supreme Court of the United States in the Scotsboro case.

The fact that no negroes actually served upon the jury of twelve, was not due to any particular reason, either on the part of the State, or the accused, but three of the four negroes disqualified themselves for cause, and the fourth was challenged by the State, peremptorily, which the State had a right to do, and for that reason I consider this bill untenable.

(Signed) L. Robert Rivarde, Judge.

Aug. 26th, 1937.

[fol. 37] UNITED STATES OF AMERICA, STATE OF LOUISIANA,
PARISH OF ST. JOHN THE BAPTIST

MINUTES OF PROCEEDINGS

Be it Known, That on the 29th day of the month of December in the year of our Lord one thousand nine hundred and thirty-six and of the Independence of the United States of America the one hundred and sixty first,

The Jury Commission in and for this Parish of St. John the Baptist, aforesaid met at the Clerk's office at the Court House of this Parish, after having been duly notified by the Clerk of Court for the purpose of supplementing the General Venire List and to select a Grand Jury and to draw a Petit Jury Panel for the week beginning Monday, January 18th, 1937, and a Petit Jury Panel for the week beginning January 25, 1937.

Present: Albert Vicknair, Arthur Duhe, Edward J. Berthelot, Sidney G. Fauchaux, and H. R. Martin, Clerk of Court.

Absent: Albert Montegut, although duly notified.

And the said Jury Commission in the presence of Messieurs Felix Berthelot and Albert Berthelot, competent witnesses, competent to read the English language and residents of this Parish and duly summoned by the Clerk of Court for said purpose, and after having been furnished by the Clerk of Court with a list of Grand Jurors and those who have served as Petit Jurors since the previous drawing have struck there from the names of such as have served as well as those who have removed from the Parish.

And the said Jury Commission in the presence of said witnesses have supplemented the original list and the names of the ballots in the box with the names of fifty competent men from the qualified Jurors of this Parish, so as to keep the number of names in the General Venire Box at three hundred names, which names were written by the Clerk of Court on a separate slip of paper by the Clerk of Court, to-wit:

No.	Names	Ward No.	No.	Names	Ward No.
1.	Roger Burch.....	1st	11.	Orto Morse.....	3rd
2.	Albin Roussel.....	1st	12.	Henry Burch.....	3rd
3.	Fernand Reynaud.....	1st	13.	Maurice Tassin.....	3rd
4.	M. S. Gaudet.....	6th	14.	Sidney Roussel.....	2nd
5.	Romain Tregre.....	6th	15.	Philip Chauvin.....	2nd
6.	Fred Duhon Sr.....	6th	16.	L. D. Perret Jr.....	2nd
7.	Alceste Schexnayder.....	5th	17.	Joe Milioto.....	4th
8.	W. J. Duhe Jr.....	5th	18.	Gregole Marino.....	4th
9.	Albert Millet.....	5th	19.	Camille Perilloux.....	4th
10.	Paul Dufresne.....	3rd	20.	Edgard Haydel.....	4th
21.	Luc Songy Jr.....	3rd	22.	Sam Millet.....	6th
23.	Antoine Aubert.....	3rd	24.	Emile Oncale.....	4th
25.	Whitnet Becnel.....	2nd	26.	Joseph Bossier.....	4th
27.	Arnaud Tassin.....	1st	28.	David Weber.....	2nd
29.	Sam Amedee.....	6th	30.	Henry Marino.....	4th
31.	Robert Dufresne.....	3rd	32.	Wilfred Duhe Sr.....	5th
33.	Sidney Borne.....	3rd	34.	Peter Williams.....	5th
35.	Willie Benoit Schexnayder.....	6th	36.	Percy Keller.....	5th
37.	Geo. Jacob.....	4th	38.	Maurice St. Pierre.....	1st
39.	Emile Dutreix.....	2nd	40.	Charles LeBlanc.....	6th
41.	Lionel Alexander.....	4th	42.	Leo Barbier.....	6th
43.	Samuel Jacob.....	5th	44.	Murphy Torres.....	6th
45.	Elmer Hebert.....	5th	46.	O. J. Becnel.....	2nd
47.	William Millet.....	6th	48.	Charlie Milioto.....	4th
49.	Cleveland Perilloux.....	4th	50.	Claude Songy.....	2nd

And the said Jury Commission having selected the above fifty names and having written the said names on a separate slips have placed the said slips containing said names in the General Venire Box.

Immediately thereafter the Jury Commission have selected from the General List the names of twenty citizens to be subject for duty as grand jurors as provided by law, to-wit:

No.	Names	Ward No.	No.	Names	Ward No.
1.	Edgard Haydel.....	4th	2.	Camille Perilloux.....	4th
3.	George Marino.....	4th	4.	Joe Milioto.....	4th
5.	L. D. Perret Jr.....	2nd	6.	Philip Chauvin.....	2nd
7.	Sidney Roussel.....	2nd	8.	Maurice Tassin.....	3rd
9.	Henry Burch.....	3rd	10.	Orto Morse.....	3rd
11.	Paul Dufresne.....	3rd	12.	Albert Millet.....	5th
13.	W. J. Duhe Jr.....	5th	14.	Alceste Schexnayder.....	5th
15.	Fred Duhon Sr.....	6th	16.	Romain Tregre.....	6th
17.	M. S. Gaudet.....	6th	18.	Fernand Reynaud.....	1st
19.	Roger Burch.....	1st	20.	Albin Roussel.....	1st

[fol. 38] And the said names of persons so selected have been written on slips of paper by the Clerk of Court in the presence of the Jury Commissioners and witnesses the said slips were placed by the said Jury Commission in an envelope which was sealed and endorsed, List of Grand Jurors.

And the slips contained in the General Venire Box having been well mixed by Mr. Edward J. Berthelot, one of the members of the said Jury Commission in the presence of the others and the witnesses named, has drawn from said Venire Box one at a time, the following thirty names of persons to serve as Petit Jurors for the week beginning Monday January 18, 1937, to-wit:

No.	Names	Ward	No.	Names	Ward
1.	Arthur J. Hymel.....	6th	2.	Willie Melancon Jr.....	4th
3.	Oliver Oubre Jr.....	5th	4.	Herman Weber.....	2nd
5.	Olide Ocmard.....	5th	6.	Simon Vicknair.....	4th
7.	Oliver Duhe.....	5th	8.	Santo Zeto.....	4th
9.	Andre Borne.....	1st	10.	Dr. M. Cognevich Jr.....	1st
11.	Apolinar Rome.....	6th	12.	Arthur Aubert.....	3rd
13.	Louis Maurin.....	5th	14.	Albert J. Berthelot.....	1st
15.	Noian Badeaux.....	6th	16.	Ruffin Leroux.....	2nd
17.	Ruffin Lassere.....	6th	18.	Edward F. Millet Sr.....	5th
19.	Sam Millet.....	6th	20.	Antoine Aubert.....	3rd
21.	Leo Barbier.....	6th	22.	Joseph C. Faucheux.....	2nd
23.	Ellis Cambre.....	5th	24.	Edgard Weber.....	2nd
25.	Paul Carmello.....	5th	26.	C. Babin.....	3rd
27.	Joseph Boessier.....	4th	28.	Stanislaus Hymel.....	2nd
29.	Martin C. Ruiz.....	6th	30.	Faustin Abadie.....	1st

And the said Jury Commission has placed the thirty slips so drawn in an envelope which was sealed and endorsed, Petit Jurors for the week beginning Monday, January 18, 1937.

And the said Edward J. Berthelot, in the presence of the other commissioners and the said witnesses has drawn from the General Venire Box, one at the time, thirty names of persons to serve as Petit Jurors for the week beginning Monday, January 25th, 1937, to-wit:

No.	Names	Ward	No.	Names	Ward
1.	John D. Reynaud.....	1st	2.	Leonard Millet.....	1st
3.	Ferducie Millet.....	6th	4.	S. D. Brown.....	5th
5.	Emile Tassin.....	3rd	6.	Sidney Gaudet.....	3rd
7.	J. A. Blanchard.....	4th	8.	Albin Roussel.....	2nd
9.	Ellis J. Reine.....	4th	10.	Emile Dutreix.....	6th
11.	Folger Tracclair.....	6th	12.	Robert Casenave.....	3rd
13.	Murphy Torres.....	6th	14.	Albert Becnel.....	2nd
15.	Ed C. Roussel.....	2nd	16.	Roy Peranio.....	6th
17.	Harry Badeaux.....	6th	18.	Raphael Webre.....	2nd
19.	Tangan Kleibert.....	5th	20.	Alfred Scioneaux.....	6th
21.	Nemour Granier.....	3rd	22.	C. S. Hosea.....	4th
23.	Marcelin Ory.....	6th	24.	Albert Poche Jr.....	5th
25.	Benny Champagne.....	4th	26.	Emile Oncale.....	4th
27.	Entremont Schexnayder.....	4th	28.	Optime Delaneuveille.....	5th
29.	Alberic Simoneaux.....	4th	30.	Ernest Martin.....	5th

Which said Jury Commission have placed the thirty slips so drawn in an envelope which was sealed and endorsed list

of Petit Jurors for the week beginning Monday January 25th, 1937.

And all of said envelopes were then placed in a box labelled "Jury Box" provided for that purpose which box was sealed and placed in the custody of the Clerk of Court for the use of the session of the 24th Judicial District Court to be held and begun on Monday, January 11th, 1937.

And the said Jury Commission after having examined the Tales Jury List found that same did not need to be supplemented.

In Faith Whereof, the Jury Commission have signed these presents together with said witnesses and the said Clerk of Court on the day and date first above written.

(Signed) Albert Bicknair. Sidney G. Fauchaux.
Arthur Duhe. Edward J. Berthelot.

Witnesses:

(Signed) Felix F. Berthelot. Albert J. Berthelot.

A True Copy: (Signed) H. R. Martin, Clerk of Court.

[fol. 39] UNITED STATES OF AMERICA, STATE OF LOUISIANA,
PARISH OF ST. JOHN THE BAPTIST

MINUTES OF PROCEEDINGS

Whereas, the Honorable twenty fourth Judicial District Court, in and for the Parish of St. John the Baptist, has on the 8th day of February, 1937, rendered the following order, to-wit:

Therefore, pursuant (copied below) to said order, the Jury Commissioners summoned by the Clerk of Court to convene at his office on the 8th day of February, 1937, for the purpose of emptying and purging the General Venire Box and the Tales Jury Box, and to place in said General Venire Box the names of three hundred Citizens subject to serve as Petit Jurors and to place in the Tales Jury Box the names of One Hundred Citizens subject to serve as Tales Jurors.

It is ordered by the Court that the Clerk of Court of the 24th Judicial District in and for the Parish of St. John the Baptist summon the Jury Commissioners of the Parish

of St. John the Baptist to assemble and convene in his office and then and there he, the Clerk of Court as the *Ex-officio* Jury Commissioner together with the other Jury Commissioners, purge the General Venire Box as well as the Tales Jury Box, and place in said Jury Venire Box the names of three hundred Citizens to serve as Petit Jurors for the Parish of St. John the Baptist in manner and form, following, to-wit:

First. That after said three hundred names are placed in the General Venire Box the Jury Commissioners shall draw therefrom the names of thirty Citizens who shall be summoned to report for Petit Jury Service for the Special Jury Term for week beginning Monday March 1st, 1937, and thereafter to draw from said Jury Venire Box the names of thirty additional Citizens of the Parish of St. John the Baptist to report and perform Special Petit Jury Service for the week beginning March 15th, 1937, and

It is further ordered that the Tales Jury Box be emptied and purged and that the names of one hundred be placed therein to serve as Tales Jurors, if need be, all in accordance with law.

And in agreement with said summons and in obedience with said Court Order, the Jury Commissioners met this day at the office of the Clerk of Court in and for the Parish of St. John the Baptist for the purposes contained in said order and summons.

Present: Sidney Faucheux, Albert Montegut, Albert Vicknair, Arthur Duke and H. R. Martin, Clerk of Court and ex-officio Member. Absent: Edward J. Berthelot, Although notified.

And the said Jury Commissioners in the presence of M. A. Perret and Alfred Chapaton, competent witnesses of lawful age, competent to read the English language and resident of this Parish, duly summoned for that purpose, together with the Clerk of Court have selected from the Citizens of the Parish of St. John the Baptist, competent to serve as Petit Jurors, the following names, to-wit:

No.	Names	Ward	No.	Names	Ward
1.	Leonard Borne.....	1	2.	Edgard Ockman.....	1
2.	Geo. Gendron, Jr.....	1	4.	Roland Becnel.....	1
5.	Geo. Desroche.....	1	6.	Joseph Falgoust.....	1
7.	Robert Desroche.....	1	8.	Paul Berthelot.....	1
9.	Newton Dinvant.....	1	10.	Maurice Alexander.....	1
11.	Elphege Dugas.....	1	12.	Jules Gendron.....	1
13.	Ceo. Borne.....	1	14.	Stan J. Rodrigue.....	1

No.	Names	Ward	No.	Names	Ward
15.	Prudent Debautte	1	16.	Etienne Millet	1
17.	Walton Darensbourg	1	18.	Alfred Ory	1
19.	Nicholas Lemoine	1	20.	Chas. St. Pierre	1
21.	F. N. Dinvant	1	22.	Eddie Desriche	1
23.	Roy Borne	1	24.	Paul J. Champagne	1
25.	Leon Borne	1	26.	Noe Gendron	1
27.	Adolph Sigur	1	28.	Edmond Troclair	1
29.	Maurice St. Pierre Jr.	1	30.	M. T. Haik	1
31.	Roger St. Pierre	1	32.	Emilien Borne	1
33.	Onesime Dufresne	1	34.	Berney Tassin	1
35.	Emile Granier	1	36.	N. E. Beauvais	1
37.	Maurice St. Pierre	1	38.	Adrien Lemoine	1
39.	Telesmar Becnel	1	40.	Philip Padeaux	1
41.	E. R. McCrory	2	42.	Eno Troclair	2
43.	Fernand Webre	2	44.	Nemour Troclair	2
45.	Angelo Hymel	2	46.	N. E. Keller	2
47.	Harold Keller	2	48.	Felecien Tassin	2
49.	Alfred Faucheux	2	50.	Malcom Chapaton	2
51.	Bert Amedee	2	52.	Paul Gendron	2
53.	Nemour Faucheux	2	54.	Rene Keller	2
55.	Wiltz Faucheux	2	56.	Elmo Madere	2
[fol. 40]					
57.	Hamilton Haydel	2	58.	David Webre	2
59.	Leopold Borne	2	60.	Ellis Roussel	2
61.	Eddie Borne	2	62.	Oliver Smith	2
63.	Theodore Borne	2	64.	Whitney Becnel	2
65.	Geo. Haydel	2	66.	Joseph Bossier	2
67.	Numa Hymel	2	68.	Arnaud Madere	2
69.	Louis Rodrigue	2	70.	Francis Tassin	2
71.	John Ory	2	72.	Willie Joseph	2
73.	Gustave Alexis	2	74.	Emile Fabre	2
75.	Harold Dutreux	2	76.	Maurice Leroux	2
77.	Luke Songy	2	78.	Wolford Kroll	2
79.	Norman Kroll	2	80.	Alfred Chapaton, Jr.	2
81.	Louis Jean Louis	3	82.	A. O. Abadie	3
83.	Ferney Tregre	3	84.	Robert Zerangue	3
85.	J. T. Matherne	3	86.	Adolph Tassin	3
87.	Joseph Pierce	3	88.	Noe Borne	3
89.	Henry Dufresne	3	90.	Octave Faucheux	3
91.	Victorian Rome	3	92.	Serafin Faucheux	3
93.	Frank Chaubaud, Jr.	3	94.	Russel Chaubaud	3
95.	Florian Haydel	3	96.	Robt. Abadie	3
97.	Clarence Roussel	3	98.	Ralph Brou	3
99.	Fernand Roussel	3	100.	John Loupe	3
101.	Edward Aucoin	3	102.	Gracien Rome	3
103.	A. J. Ussee	3	104.	Arcard Zeringue	3
105.	Edgar Rodrigue	3	106.	Adolph Amedee	3
107.	Lucien Faucheux	3	108.	Fergus Faucheux	3
109.	Albert Gravois	3	110.	Oliver Dufresne	3
111.	Edward Hymel	3	112.	Elmo Tregre	3
113.	Aubert Zerangue	3	114.	William Perret	3
115.	Henry Wuguespack	3	116.	Wilfred Marse	3
117.	Oliver Dufresne Jr.	3	118.	Olode Marse	3
119.	Valcour Rodrigue	3	120.	Albert Williams	3
121.	Nemour Loup	3	122.	Noble Smith	4
123.	Amos Johnson	4	124.	Eddie Williams	4
125.	Charles Washington	4	126.	Willie Webre	4
127.	Clarence Clement	4	128.	Charles Carrona	4
129.	Athenas Vicknair	4	130.	Joe Akers	4
131.	Elmore Tregre	4	132.	Frank Vicknair	4
133.	Joe Acosta	4	134.	Jourdan Vicknair	4
135.	Camille Tassin	4	136.	Albert Triche	4
137.	Ernest Triche	4	138.	Louis Bartet, Jr.	4
139.	Warren Roussel	4	140.	Mike Ferrara	4

No.	Names	Ward	No.	Names	Ward
141.	Joe Rollo	4	142.	Clifford Monts	4
143.	Louis Tonguis	4	144.	Martin Bourg	4
145.	Honore Vemprenne	4	146.	Geo. Lasseigne	4
147.	Morris Terry	4	148.	Harry Lavigne	4
149.	Tony Millioto	4	150.	Prentice Keating	4
151.	James Robert	4	152.	L. A. Cambre	4
153.	Etienne Cambre	4	154.	Guy Cambre	4
155.	Charles Pisallato	4	156.	Felix Simoneaux	4
157.	Clarence Simoneaux	4	158.	Ferrel Roussel	4
159.	Martin Cambre	4	160.	J. M. Prudohemme	4
161.	Anthony Brady	4	162.	Paul Mobile	4
163.	H. C. Cotham	4	164.	Geo. Thibodeaux	4
165.	Felix Clement	4	166.	Henry Rushing	4
167.	William P. Rushing	4	168.	Horace Cieutat	4
169.	Vincent Lindsey	4	170.	Linn Richard	4
171.	Lionel Edler	4	172.	Lionel Alexander	4
173.	Wallace Vicknair	4	174.	Peter B. St. Martin	4
175.	Edward Cambre	4	176.	Irvin Tassin	4
177.	Wilson Tassin	4	178.	Louis Vicknair	4
179.	Louis Perilloux	4	180.	Clarence Perilloux	4
181.	Claude Perilloux	4	182.	Marshall Lawrence	5
183.	Sonny Wallace	5	184.	Anatole Keller	5
185.	Nick Laiche	5	186.	Paul Dwyer Jr.	5
187.	Helmet Monts	5	188.	Eddie Monts	5
189.	Maurice Granier Sr.	5	190.	Mairice Granier Jr.	5
191.	Lindsey Holmes	5	192.	N. F. Tallion	5
193.	Albert Poche Sr.	5	194.	Cina Webre	5
195.	Cyrille Vicknair	5	196.	Medrick Vicknair	5
197.	Lucien Cambre	5	198.	Arthur Entremont	5
199.	John Rodrigue	5	200.	Leonard Breaud	5
201.	P. O. Vicknair	5	202.	Harris Jacob	5
203.	Ellis Ledoux	5	204.	Theophile Cambre	5
[fol. 41]					
205.	A. J. Cambre Jr.	5	206.	Lawrence Helts	5
207.	Mack Cambre	5	208.	N. S. Williams	5
209.	Wilson Scioneaux	5	210.	Johnny Englade	5
211.	Eddie Madere	5	212.	Wilfred Duhe Sr.	5
213.	Peter Williams	5	214.	Pamphile Webre	5
215.	Percy Keller	5	216.	Elmer Hebert	5
217.	Ivy Jacob	5	218.	Etienne Duhe	5
219.	Eugene Delaneuville	5	220.	Robert Leblanc	5
221.	Malone Templain	5	222.	Louis Millet	5
223.	Rene Englade	5	224.	Francis Chapaton	5
225.	Emile Battard Jr.	5	226.	Ulysses Dufresne Jr.	5
227.	Osemees Vicknair Jr.	5	228.	Henry Catoire	5
229.	Carlo Saragusa	5	230.	Francis Cambre	5
231.	Lance Monts	5	232.	Earl Elfer	5
233.	Clarence Breaud	5	234.	Samuel Jacob	5
235.	Michel Rome	5	236.	Edward Millet Jr.	5
237.	John Baptiste Boe	5	238.	Alvin Vicknair	5
239.	John Audifred Jr.	5	240.	Louis Delaneuville	5
241.	Alexander Brady	5	242.	Frank Monico	6
243.	Peter Tregre	6	244.	James Amedee	6
245.	Johnny Duhe	6	246.	Albert Waguespack	6
247.	Francis Webre	6	248.	— Falgoust	6
249.	—	6	250.	—	6
251.	Melvin Cambre	6	252.	Nick Cashio	6
253.	Frank Miano	6	254.	Wallace Vicknair	6
255.	Jules Waguespack	6	256.	Lamana Roccaforte	6
257.	Earl Schexnayder	6	258.	Alfred Cureaux	6
259.	H. P. Williams	6	260.	Edgard Bernard	6
261.	Rene Oubre Jr.	6	262.	Wilson Torres	6
263.	Joseph Matherne	6	264.	Andrew Decarlo	6
265.	Thomas Templain	6	266.	Mike Helts	6

No.	Names	Ward	No.	Names	Ward
267.	Raymond Duhe	6	268.	Roland Duhe	6
269.	David Kleibert	6	270.	Nick Lasseigne	6
271.	Hubert Duhe	6	272.	Lionel Comeaux	6
273.	Felix Millet	6	274.	Lyman Rosenberger	6
275.	John Landry	6	276.	Alphonse Bergeron	6
277.	Eddie Gauthreaux Jr.	6	278.	Sulphis Amedee	6
279.	Andrew Stein Jr.	6	280.	Chas. Falgoust	6
281.	Sam Sawaya	6	282.	Claude Brock	6
283.	Paul Bourgeois	6	284.	James Trosclair	6
285.	Omer Ory	6	286.	Gilbert Gorio	6
287.	Edward Simon Jr.	6	288.	Sam Polito	6
289.	Eugene Trosclair	6	290.	Alfred Verret	6
291.	Chas. LeBlanc	6	292.	Tony Miano	6
293.	Emanuel Poche	6	294.	Lloyd Gregoire	6
295.	Raoul Boe	6	296.	Max Lasere	6
297.	Sam Amedee	6	298.	Willie Benoit Schexnayder	6
299.	Amedee Schexnayder	6	300.	William Millet	6

Each of the names of the said list had been written by the Clerk of Court on a separate slip of paper together with the number of the ward or place of resident of such person and the slip of paper or ballots containing the names selected have been placed by the Jury Commission in a box labelled General Venire Box.

And the said Jury Commissioners in the presence of the undersigned competent witnesses of this Parish summoned by the Clerk for that purpose have selected from the persons qualified to serve as Jurors for this Parish the following one hundred names of competent good persons a list of whom was made by the Clerk under the supervision of said Jury Commissioners and witnesses which have been placed by the Jury Commissioners in a box labelled Tales Jurors.

No.	Names	Ward	No.	Names	Ward
1.	Irwin Beemel	1	2.	Dewey Madere	1
3.	Leon Webre	1	4.	Lucien Haydel	1
5.	Maurice Madere	1	6.	Emile Hempel	1
7.	Rene Poincaire	1	8.	T. J. Nagel	1
9.	Zepherin Vicknair	1	10.	Joel B. Gray	1
11.	Dennis Cloutare	1	12.	Chas. Stewart	1
13.	Jules Bossier	1	14.	Wilbert Sorapuru	1
15.	Mason Lillier	1	16.	Francois Dufresne	1
17.	Y. B. Terreborne	2	18.	Amilcar Dufresne	2
19.	Odelle Barre	2	20.	Hannon Barre	2
21.	Zenon Ockman	2	22.	Alfred Trosclair	2
23.	Richard Weber	2	24.	Lynn Zerangue	2
25.	Nestor Webre	2	26.	Henry Johnson	2
27.	John Stockman	3	28.	William Davis	3
[fol. 42]					
29.	Marcelin Tregre	3	30.	Aubin Tassin	3
31.	Leo Granier	3	32.	Cyrille Larose	3
33.	Camille Rouger	3	34.	Samuel Demster	3
35.	Oscar Dempeter	3	36.	Marcel Dempeter	3
37.	Raymond Webre	3	38.	Theodore Roussel	3
39.	Joseph S. Dufresne	3	40.	Joe Crosby	4
41.	Willie Madere	4	42.	Icar Hymel	4
43.	Philogene Weber	4	44.	Peter Brady	4

No.	Names	Ward	No.	Names	Ward
45.	Clement Feucht	4	46.	Variste Carter	4
47.	Louis Carry	4	48.	A. J. Mire	4
49.	M. O. Hebert	4	50.	Joe Triche	4
51.	Louis Edler Sr.	4	52.	Godfrey Beck	4
53.	Edwin Brady	4	54.	W. R. Miller	4
55.	J. A. Gebelin	4	56.	J. A. Overcash	4
57.	Alexis Keating	4	58.	E. P. Feucht Jr.	4
59.	Sam Snyder	5	60.	Pierre Snyder	5
61.	Aurelien Cureaux	5	62.	Henry Dorsey	5
63.	Geo. Monts	5	64.	L. H. Falgoust	5
65.	Lionel Vicknair	5	66.	Edward Vicknair Sr.	5
67.	Justin Songy	5	68.	Emile Hotard	5
69.	William Vicknair	5	70.	John Falgoust	5
71.	Edwin Guidry	5	72.	P. E. Richard	5
73.	E. L. Robinson	5	74.	Edward Vicknair Jr.	5
75.	Jules Haydel Sr.	5	76.	Walter J. Guidry	5
77.	Irvin Haydel	5	78.	Ben Waguespack	5
79.	Hobson Brown	6	80.	Billie Wright	6
81.	Norbert Millet	6	82.	Morris Schexnayder	6
83.	Joe Lebouef	6	84.	T. Oubre	6
85.	Elmo Lebouef	6	86.	R. F. Baudry	6
87.	Louis Templain	6	88.	Geo. Adams	6
89.	Noe Madere	6	90.	Joe Templain	6
91.	Joe Lassere	6	92.	Eno Caillouette	6
93.	M. J. Brady	6	94.	Wille Caillouette	6
95.	Lance Cambre	6	96.	John Borne	6
97.	Sidney Clement	6	98.	Leon Picou	6
99.	E. S. Dutreux	2	100.	Roy Dutreux	2

And the slips contained in the General Venire Box having been well mixed by Mr. Albert Vicknair one of the Jury Commissioners in the presence of the others, and the witnesses named has been drawn from said Venire Box, one at the time, the following thirty persons to serve as Petit Jurors for the week beginning Monday March 1st, 1937, to-wit:

No.	Names	Ward	No.	Names	Ward
1.	Alfred Fauchaux	2	2.	Wilson Tassin	4
3.	Roger St. Pierre	1	4.	Harris Jacob	5
5.	Clarence Roussel	3	6.	Irvin Tassin	4
7.	Lyman Rosenberger	6	8.	Ferney Tregre	3
9.	Gilbert Gorio	6	10.	Lionel Comeaux	6
11.	Clarence Perilloux	4	12.	Horace Cieutat	4
13.	F. N. Dimvant	1	14.	Geo. Lasseigne	4
15.	Athenas Vicknair	4	16.	Lindsey Holmes	5
17.	Clarence Simoneaux	4	18.	Ernest Triche	4
19.	Davis Kliebert	6	20.	Noe Gendron	1
21.	Eno Trosclair	2	22.	Maurice St. Pierre Jr.	1
23.	Maurice St. Pierre Sr.	1	24.	Louis Millet	5
25.	Marshall Lawrence	5	26.	Lawrence Ellis	5
27.	Adriene Lemoine	1	28.	Charles Washington	4
29.	Nick Lasseigne	6	30.	M. T. Haik	1

And the slips contained in the box having been well mixed by Mr. Albert Vicknair one of the Jury Commissioners in the presence of the others, and the witnesses named was drawn from said Venire Box, one at the time the follow-

ing thirty names of persons to serve as Petit Jurors for the week beginning March 15th, 1937, to-wit:

[fol. 43]

No.	Names	Ward	No.	Names	Ward
1.	Samuel Jacobs	5	2.	Bert Amedee	2
3.	Joe Ackers	4	4.	Fernand Webre	2
5.	Dewey Delaneuville	5	6.	Thomas Templain	6
7.	Francis Cambre	5	8.	William Joseph	2
9.	Paul Dwyer, Jr.	5	10.	Arcade Zerangue	3
11.	Roy Borne	1	12.	Louis Rodrigue	2
13.	Adolph Amedee	3	14.	H. P. Williams	6
15.	E. R. McCrory	2	16.	Clarence Clement	4
17.	Tony Milioto	4	18.	Maurice Granier Jr.	5
19.	John Audifred Jr.	5	20.	Willie Weber	4
21.	Bernie Tassin	1	22.	Jean Baptiste Boe	5
23.	Telesmar Becnel	1	24.	Sonny Wallace	5
25.	Emilien Borne	1	26.	Ellis Ledoux	5
27.	Edmond Trosclair	1	28.	Harold Keller	2
29.	Henry Rushing	4	30.	Percy Keller	5

And the said Jury Commissioners has placed thirty slips so drawn in an envelop which was sealed and endorsed, Petit Jurors for the week beginning March 1st, 1937.

And the said Jury Commissioners has placed thirty slips so drawn in an envelope and endorsed Petit Jurors for the week beginning March 15th, 1937.

And all of the said envelopes were placed in a box labelled Jury Box, for that purpose which box was sealed and locked and placed in the custody of the Clerk of Court for the use at the session of the 24th Judicial District Court to be held on March 1st, 1937.

In Faith Whereof, the Jury Commissioners have signed these presents together with the said witnesses and said Clerk of Court, on the day and date first above written.

(Signed) A. Montegut. Albert Vichnair. Sidney G. Faucheux. Arthur Duhe.

Witnesses:

(Signed) Alfred Chapaton. M. A. Perret.

A True Copy: (Signed) H. R. Martin, Clerk of Court.

[fol. 44] UNITED STATES OF AMERICA, STATE OF LOUISIANA,
PARISH OF ST. JOHN THE BAPTIST

MINUTES OF PROCEEDINGS

Be it Known, That on this 25th day of the month of June in the year of our Lord one thousand nine hundred and thirty seven, and of the Independence of the United States of America the one hundred and sixty-first,

The Jury Commissioners in and for the Parish of St. John the Baptist, aforesaid, met at the Clerk's Office at

the Court House of this Parish, after having been duly notified by the Clerk of Court for the purpose of supplementing the General Venire List and to select a Grand Jury and to draw a Petit Jury Panel for the week beginning Monday July 12th, 1937.

Present: Albert Vicknair, Arthur Duhe, Sidney Fauchaux, and H. R. Martin, Clerk of Court, ex-officio member of said Jury Commission.

And the said Jury Commission in the presence of M. A. Perret and Felix Berthelot, competent witnesses of lawful age, competent to read the English language and residents of this Parish and duly summoned by the Clerk of Court for said purpose, and after having been furnished by the Clerk of Court with a list of Grand Jurors and those who have served as Petit Jurors since the previous drawing have struck therefrom the names of said persons as have served as well as those who have removed from Parish,

And the said Jury Commission in the presence of said witnesses have supplemented the original list and names of the ballots in the box with the names of sixty two competent men from the qualified jurors of this Parish, so as to keep the number of names in the General Venire Box at three hundred names, which names were written by the Clerk of Court on a separate slip of paper, to-wit:

No.	Names	Ward	No.	Names	Ward
1.	Arnaud Tassin.....	1	8.	Roger Burch.....	1
2.	Honore Charpentier.....	1	9.	Joseph Bonnaville.....	1
3.	Rene Webre.....	1	10.	Leonard Bossier.....	1
4.	Paul Champagne.....	1	11.	Maurice Charpentier.....	1
5.	Raymond Haydel.....	1	12.	Maurice Madere.....	1
6.	Albert Berthelot.....	1	13.	Francis Tassin.....	2
7.	Clifford Gendron.....	1	14.	Raphael Webre.....	2
21.	Henry Dufresne.....	3	15.	Albin Roussel.....	2
22.	John Loup.....	3	16.	Henry Boudreaux.....	2
23.	Edmond Borre.....	3	17.	David Webre.....	2
24.	Edward Roussel.....	3	18.	Luc Songy, Jr.....	2
25.	Frank Webre.....	3	19.	Oliver Haydel.....	2
26.	Joe Marino.....	4	20.	A. J. Simon.....	2
27.	Prentice Keating.....	4	45.	Preston Madere.....	5
28.	Nelson Haydel.....	4	46.	Henry Steibb.....	5
29.	Clarence Scioneaux.....	4	47.	Ervin Haydel.....	5
30.	Willie Melancon Jr.....	4	48.	Wilton Helts.....	5
31.	Douglas Cambre.....	4	49.	William Cambre.....	5
32.	L. H. Catoire.....	4	50.	Clinton Vicknair.....	5
33.	Sam Pizzolotta.....	4	51.	Junius Duhe.....	5
34.	Philogene Webre Jr.....	4	52.	Angelo Jacob.....	5
35.	Nelson Madere.....	4	53.	Henry Hotard.....	5
36.	Dominic Milioto.....	4	54.	Alcide Vicknair.....	5
37.	Emile Petrolia.....	4	55.	Claude Oubre.....	6
38.	Alfred Schlosser.....	4	56.	Raol Boe.....	6
39.	Edward Vicknair.....	4	57.	Lance Montz.....	6
40.	Joe Keller.....	5	58.	Earl Gorio.....	6

No.	Names	Ward	No.	Names	Ward
41.	John Rodrigue.....	5	59.	Fred Duhon Jr.....	6
42.	Joe Duhe.....	5	60.	Weedman Duhe.....	6
43.	J. P. Brown.....	5	61.	Ferdicie Millet.....	6
44.	Jules Duhe.....	5	62.	Irvine Millet.....	6

And the said Jury Commission having selected the above sixty two names and having written the said names on separate slips have placed the said slips containing said names in the General Venire Box.

Immediately thereafter the Jury Commission have selected from the General Venire List the names of twenty citizens to be subject for duty as Grand Jurors as provided by law, to-wit:

[fol. 45]

No.	Names	Ward	No.	Names	Ward
1.	Arnaud Tassin.....	1	11.	Prentice Keating.....	4
2.	Honore Charpentier.....	1	12.	Nelson Haydel.....	4
3.	Philip Webre.....	1	13.	Joe Marino.....	4
4.	Paul Champagne.....	1	14.	Joe Keller.....	5
5.	Raphael Webre.....	2	15.	John Rodrigue.....	5
6.	Francis Tassin.....	2	16.	Joe Duhe.....	5
7.	Albin Roussel.....	2	17.	J. P. Brown.....	5
8.	Henry Dufresne.....	3	18.	Claude Oubre.....	6
9.	John Loup.....	3	19.	Lance Montz.....	6
10.	Edmond Borne.....	3	20.	Raol Boe.....	6

And the said names of persons so selected have been written on slips of paper by the Clerk of Court in the presence of the Jury Commissioners and witnesses, the said slips were placed by the said Jury Commission in an envelope which was sealed and endorsed, "List of Grand Jurors".

And the slips contained in the General Venire Box having been well mixed by Mr. Sidney Faucheux one of the members of the said Jury Commission in the presence of the others and the witnesses above named has drawn from said Venire Box one at the time the following thirty names of persons to serve as Petit Jurors for the week beginning Monday July 19th, 1937 to-wit:

No.	Names	Ward	No.	Names	Ward
1.	Jourda Gendron.....	4	16.	Nick Laiche.....	5
2.	Alfred Ory.....	1	17.	Felecian Tassin.....	2
3.	Geo Desroche.....	1	18.	Arnaud Madere.....	2
4.	Whitney Becnel.....	2	19.	N. F. Tallion.....	5
5.	Maurice Granier Jr.....	5	20.	Elmo Tregre.....	3
6.	George Haydel.....	2	21.	Edward C. Roussel.....	3
7.	Edgard Bernard.....	6	22.	Oliver Haydel.....	2
8.	Clarence Braud.....	5	23.	Eugene Delaneuville.....	5
9.	Nelson Madere.....	4	24.	Sam Amedee.....	6
10.	Lionel Alexander.....	4	25.	William Perret.....	3
11.	Eddie Gauthreaux Jr.....	6	26.	Louis Perilloux.....	4
12.	Luk Songy Jr.....	2	27.	Norman Kroll.....	2
13.	R. E. Rosenberger.....	6	28.	Wallace Vicknair.....	4
14.	Eddie Montz.....	5	29.	Albert Jean Louis.....	3
15.	Felix Clement.....	4	30.	Peter B. St. Martin.....	4

And the said Jury Commission placed the thirty names or ballots thus drawn in an envelope which was sealed and endorsed with the words Petit Jurors for the week beginning Monday July 19, 1937, and the said Sidney Fauchaux in the presence of the Commissioners and the said witnesses drew from the said General Venire Box one at the time thirty additional names of persons to serve as Petit Jurors for the week beginning Monday, July 26th, to-wit:

No.	Names	Ward	No.	Names	Ward
1.	Robert LeBlanc.....	5	16.	Rene Oubre Jr.....	6
2.	Wilfred Marse.....	3	17.	Harry Lavigne.....	4
3.	Clarence Scioneaux.....	4	18.	Alphonse Bergeron.....	6
4.	Paul Bourgeois.....	6	19.	Mike Helts.....	6
5.	Elmer Hebert.....	5	20.	Rene Englade.....	5
6.	Eddie Madere.....	5	21.	Frank Vicknair.....	4
7.	Jules Gendron.....	1	22.	Martin Cambre.....	4
8.	Henry Steibb.....	5	23.	Anatole Keller.....	5
9.	Edward Millet Jr.....	5	24.	Albert Berthelot.....	1
10.	Rene Keller.....	2	25.	Wolford Kroll.....	2
11.	Etienne Duhe.....	5	26.	Sulphis Amedee.....	6
12.	Earl Elfer.....	5	27.	Geo. Gendron Jr.....	1
13.	Newton Dinvant.....	1	28.	Luke Songy.....	2
14.	Nemour Trosclair.....	2	29.	Nemour Loup.....	3
15.	Robert Desroche.....	1	30.	Eddie Borne.....	2

And the said Jury Commission placed the thirty names or ballots thus drawn in an envelope which was sealed and endorsed with the words Petit Jurors for the week beginning Monday July 26th, 1937 and the said Sidney Fauchaux in the presence of the Commissioners and the said witnesses drew from the said General Venire Box one at the — thirty additional names of persons to serve as Petit Jurors for the week beginning Monday, July 26th, to-wit:

Which said sealed envelopes containing the names of the Petit Jurors and those of the Grand Jury were placed by the Jury Commission in a box provided for that purpose which was sealed and locked and placed in the custody of the Clerk of Court for the use at the next session of the 24th Judicial District Court to be held and begun on the 12th day of July 1937. In Faith Whereof the said Jury Commission have signed these presents on the day and date hereinabove first written.

(Signed) Albert Vicknair, Arthur Duhe, Sidney G. Fauchaux, H. R. Martin, Clerk.

Witnesses, M. A. Perret, Felix Berthelot.

[fol. 46] STATE OF LOUISIANA,
Parish of St. John the Baptist:

VERDICT OF CORONER'S JURY

An Inquisition taken at Edgard, La., and Reserve, La., on the 20th day of October, in the year 1936, before the undersigned Coroner of the Parish of St. John the Baptist, upon view of the body of Ignace Rousselle there lying dead.

The jurors, whose names are hereunto subscribed, having been sworn to inquire, on behalf of the State, when, where and by what means said Ignace Rousselle came to his death, upon their oath do say:

That one Ignace Rousselle came to his death on the night of October 20th, 1936, at about 6:45 P. M. in the yard of one Mrs. Celestine Pierre (colored), while attempting to serve a warrant and to effect the arrest of one Hugh Pierre (negro) as a result of gunshot wounds of the chest, the gun in the hands of and fired by Hugh Pierre.

Ignace Rousselle was shot with buck shot directly over the heart and in the left lower chest.

In Testimony Whereof the Coroner and the Jurors of this inquest have hereunto subscribed thwir names the day and year above stated.

(Signed) J. R. Fernandez, Coroner.

(Signed) Willie Duhe, Jr., Joseph Duhe, Eddie Borne, Elmore Berthelot, Ed A. Dufresne, Jurors.

[fol. 47] STATE OF LOUISIANA,
Parish of St. John the Baptist,
24th Justice Court:

AFFIDAVIT OF LEOPOLD ORY

Leopold Ory being duly sworn deposes and says, the one Hugh Pierre late of the Parish of St. John the Baptist on or about the 20th day of Oct. 1936, in the Parish aforesaid.

Did feloniously with and by means of a certain dangerous weapon to-wit: a stick make and assault upon the said Leopold Ory with intent to kill the said Leopold Ory.

Wherefore, this deponent prays that the said Hugh Pierre may be arrested and further dealt with according to law.

Sworn to and subscribed before me this 20th day of Oct. 1936.

(Signed) Albin J. St. Pierre, Justice of Peace, 1st Ward.

Plaintiff Leopold Ory.

[fols. 48-60] TWENTY-FOURTH DISTRICT COURT, PARISH OF ST. JOHN THE BAPTIST, STATE OF LOUISIANA

WARRANT

To the Constable of the Parish of St. John the Baptist, and to the Keeper of the Public Prison of the same, Greeting:

Whereas, Hugh Pierre stands charged before me on the oath of Leopold Ory,

For Assault with intent to kill.

You the said Constable are hereby commanded to convey the said Hugh Pierre to the Prison aforesaid and there deliver him with this warrant to the Keeper of the same, who thereupon is required and authorized to keep him in safe custody, until he can find bail in the sum of \$500.00, for his appearance before the Hon. Judge or until he be discharged by due course of Law.

Given under my hand this 20th day of Oct. 1936.

(Signed) Albin J. St. Pierre, 2nd Justice of Peace.

[fol. 61] IN TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF ST. JOHN THE BAPTIST

STATE OF LOUISIANA

VS.

HUGH PIERRE

STATEMENT OF EVIDENCE ON MOTION TO QUASH INDICTMENT

Testimony taken on a motion to quash the indictment, in the above entitled cause, taken at Edgard, in the Parish of St. John the Baptist, Louisiana, on Tuesday, January 26th, 1937, reported by T. J. Carbrey.

APPEARANCES

Hon. L. Robert Rivarde, Judge, Presiding.

E. M. Conzelmann, Esq., Assistant District Attorney, for the State.

Maurice R. Woulfe and Lubin F. Laurent, Esqs., for the Accused.

[fol. 62] H. R. MARTIN, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

Q. Mr. Martin, will you state your official position in the Parish?

A. Clerk of Court and Ex-Officio Notary Public, Recorder of Mortgages and Register of Conveyances.

Q. What other position do you hold?

A. Ex-Officio Jury Commissioner.

Q. Mr. Martin, when were the names placed in the venire box that this present Grand Jury were drawn from?

Mr. Conzelmann: I object to that, if Your Honor pleases—the recor-s is the best evidence.

Mr. Woulfe: We call for the record, if Your Honor pleases.

The Court: Get the record, Mr. Clerk.

(At this time Mr. Martin was withdrawn as a witness, and the accused was arraigned and pleaded not guilty. With leave to withdraw his plea, counsel for the accused now states that he desires to file certain pleas.)

H. R. MARTIN, recalled as a witness:

Mr. Woulfe:

Q. Have you with you the general venire list?

A. Yes, sir.

The Court: I notice, Mr. Clerk, that you have some fly sheets or leaves in your hand. Where were they taken from?

A. They were taken from the jury commission book.

Q. From the book, itself?

A. Yes, sir.

Q. What is your object in simply bringing up the fly [fol. 63] leaves, and not bringing the book up, so that you would not have to carry the bis book up stairs?

A. Absolutely.

Mr. Woulfe:

Q. That list contains three hundred names, don't it?

A. Yes, sir.

Q. Did you, in accordance with your office, deposit the names contained on that list, together with the other jury commissioners?

A. Yes, sir.

Q. That was done in your presence?

A. Yes, sir.

Q. In the general venire box?

A. Yes, sir.

Q. For this parish?

A. Yes, sir.

Q. Does that list contain the names of any negroes?

A. I am under the impression that it does. I am not familiar with all of the names of the people in the Parish. I am also under the impression that there are two, or three, or possibly four names of negroes in the general venire list. I would have to go over it with someone that is more familiar with the names than I am to be positive.

Q. Of course, in the matter that is on trial, we can't take your impression, Mr. Clerk?

A. I wouldn't swear to that under oath. However, I have been informed that there are several names in the box.

The Court: Strike that out of the record.

Mr. Woulfe:

Q. Of your own knowledge?

A. Of my own knowledge I can't say a thing, because I don't know. Someone would have to check the list that is more familiar with it than I am.

Q. Who would be more familiar with the list than you are?

[fol. 64] A. Possibly the jury commissioners, or the Sheriff, or someone from the individual ward. I don't know every man from each individual Ward.

Q. You wouldn't swear positively that that list contains the names of any negroes that are qualified to serve as Grand or petty jurors, would you?

A. I have never seen them, but I am informed of that fact.

Q. Would you swear positively, of your own knowledge, that that list contains the names of any persons that are qualified to serve as Grand or petty jurors?

A. Not unless it was checked by someone who is more familiar with the names than I am.

Q. Are you familiar with the panel of the present Grand Jury that returned this indictment?

A. I have the list here. Yes, I think I know nearly every one on the Grand Jury.

Q. Mr. Clerk, I show you a list which purports to be a list of the names of the present Grand Jury that returned the indictment in this case on January 18th, 1937?

A. Yes sir.

Q. Is that the jury panel?

A. Yes sir.

Q. Of the Grand Jury?

A. Yes sir.

Q. That returned the indictment in this case?

A. Yes sir.

Q. Do you know, of your own knowledge, whether every name contained on that list that I have just shown you of the Grand Jury venire, are white or colored?

A. The Grand Jury panel are all white.

Mr. Conzelmann:

Q. Mr. Martin, are you answering from the list that counsel has, or the list that you have in front of you?

A. That is supposed to be a true copy, Mr. Conzelmann.

— That is not a true copy, and I object to your answering [fol. 65] from anything else except the original record in your possession.

The Court: The objection is good.

Mr. Woulfe:

Q. Look at your original record and tell me whether or not that the present panel of this Grand Jury which returned the indictment in this case, that every person on there is not a member of the white race?

Q. Every member on there is not a member of the white race?

Q. Are they all members of the white race?

A. They are all members of the white race.

Q. Then, according to your evidence, that Grand Jury panel contains the names of no negroes?

A. No sir.

Q. From your experience as Clerk and Ex-Officio Jury Commissioner, to your own knowledge, did you ever know a negro to serve either on the Grand Jury, or on the petty jury of the Parish of St. John the Baptist?

A. I have never known them to serve on the grand jury—however, there have been named on the petty jury.

Q. How long ago?

A. The last petty jury.

Q. How many?

A. One that I know of.

The Court:

Q. When you say the last petty jury, what do you mean?

A. The jury that was drawn on December 29th for this term.

Q. He is asking you about previous juries?

A. Prior to that, I don't know.

Mr. Woulfe:

Q. You are talking about the general venire?

A. I am talking about the petty jury and the grand jury,—that is what you asked me.

Q. Are you referring to the general venire, or to the jury panel selected for the last jury?

[fol. 66] A. I am referring to the panels that were drawn.

Q. That you knew of the name of one negro that was contained in that panel?

A. Absolutely.

Q. Will you tell us who that is, please?

A. Ernest Martin—he is a resident of the Fifth Ward—however, no kin.

Q. Do you know what the population of the Parish of St. John the Baptist is—have you any idea?

A. No. The voting population I have an idea, is about three thousand.

Q. I am not talking about the voting population?

A. I have no idea as to what the population of the Parish of St. John the Baptist is. I have not the remotest idea.

Q. Mr. Martin, have you any idea what percentage of negroes comprises the population of the parish of St. John the Baptist?

A. I have not the remotest idea. I never checked up on the bureau of vital statistics or anything else in my official capacity.

Q. Could you give us approximately the population?

A. No sir, I could not.

SHERIFF WILLIAM DUHE, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

Q. Mr. Duhe, you are the Sheriff of the Parish of St. John the Baptist?

A. Yes sir.

Q. How long have you been sheriff?

A. Since 1928.

Q. Are you familiar with the general venire list—if the court pleases, I wa-t to offer this particular venire list in evidence as identified by Mr. Martin, and, in lieu thereof, substitute a copy, and mark it D-1. Now Mr. Duhe, I show [fol. 67] you the original of the general venire of jurors for the Parish of St. John the Baptist, and I ask you if you are familiar with the persons whose names appear on that venire list?

A. I am not familiar with all of them, but most of them—I know them.

Q. Do you know whether or not that list contains the name of any negro?

A. I don't know of but one negro that I know of that was sworn as a juror Monday. After I get through reading it, I can tell you. No. 33 is a negro, D. N. Dinbaut from the First Ward. Arthur Voisin from the Fifth Ward, No. 174. Those are the only ones I see now.

Q. The last name that you just called, is that person not dead?

A. Yes sir, he is dead.

Q. When did he die, can you tell me?

A. He died about three months ago.

Q. While you are looking at that list, I ask you to look at the present grand jury panel drawn, while you have that list in front of you, and I refer you to the present grand jury panel which returned this indictment in this matter?

A. What was the question?

Q. I refer you to the present grand jury panel. Look at that present grand jury panel and see if the name of any negro appears thereon?

A. No sir.

Q. How long have you resided in the Parish of St. John the Baptist, Mr. Duhe?

A. All my life—that is 49 years.

Q. Are you familiar with the population of the Parish of St. John the Baptist—I mean, do you know approximately what the population of the Parish of St. John the Baptist is?

A. No, I don't know that.

Q. Can you approximate the percentage of negroes in the Parish of St. John the Baptist, as compared to the white people?

[fol. 68] A. No, I am not in a position to say what would be the figure, or near it.

Q. Is it one-third of the population, can you judge, or one-half of the population, or more than half?

A. I have no way of giving even an approximate estimate on that at all.

Q. You do know, as a matter of fact, that you have many negroes living in the Parish of St. John the Baptist, do you know?

A. Yes.

Q. Do you know approximately how many negroes would be qualified to serve as grand or petty jurors in the Parish of St. John the Baptist?

A. I know that the white population is much greater than the negroes.

Q. But you do know that there is more than one who is qualified to serve as a grand or a petty juror in the Parish of St. John the Baptist?

A. Yes.

Q. Will you approximate the number that would be qualified to serve as grand or petty jurors at 300, or 400, or 500?

A. I wouldn't be able to say that either.

Cross-examination.

Mr. Conzelmann:

Q. Mr. Duhe, you don't know all of those whose names appear on the jury list, do you?

A. I know approximately all of them, yes sir.

Q. You know practically all of them?

A. I know pretty well all of the people on there.

The Court:

Q. Mr. Duhe, the Parish of St. John the Baptist has very few industrial plants, had it?

A. They only have one.

Q. Which one is that?

A. That is at Reserve.

[fol. 69] Q. Do they employ a good many people?

A. Yes.

Q. They employ a good many colored people as well as white, don't they?

A. Yes sir.

Q. The colored employes, and some of the white employes, is made up of what is known probably floaters, is it?

A. That is what they are.

Q. That is one of the reasons why you cannot estimate, or you cannot tell what the population is, as differentiated between the white and the colored population?

A. That is correct.

Q. The Parish of St. John the Baptist is also engaged in the cultivation of raising cane, and in some sections, probably rice today, isn't it?

A. Yes sir.

Q. And the planters, do they import a good deal of colored labor into the Parish of St. John the Baptist during harvest time?

A. They do.

Q. It is a sort of a floating population?

A. Yes sir.

Q. And as a matter of fact, it is a fact that sometimes some of them come here and stay?

A. Very often.

Q. And nobody knows anything about them?

A. Very often.

Q. Say, within the last five, or six, or eight, or ten years, you had a big sawmill, did you not?

A. We had one in Garyville.

Q. That employed a good deal of colored labor?

A. Yes sir.

Q. That was composed of citizens of the Parish, as well as floaters?

A. It was mostly floaters, or nearly all of them.

[fol. 70] Q. You live on the other side of the river from the courthouse?

A. Yes sir.

Q. You don't know the colored population on the courthouse side, do you—you don't know how many people there are on this side of the river?

A. No sir.

Q. We will call it, for the sake of argument, the courthouse side of the river. Therefore, you don't know how many colored people reside over here, as compared to the white people?

A. No sir.

Mr. Woulfe:

Q. Are you familiar with the drawing of these names and the placing of them in this general venire list?

A. No sir.

Q. Who would be familiar with that, do you know?

A. The commissioners, I imagine—they are the ones that drew them.

Q. You don't know how they derived these names, do you?

A. No sir.

J. O. MONTÉGUT, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

Q. Mr. Montégut, what is your official position in the parish of St. John the Baptist?

A. Superintendent of Schools.

Q. Are you familiar with the population in the Parish of St. John the Baptist?

A. In a general way, yes sir.

Q. Are you the superintendent of schools over the white and the colored schools?

A. Yes sir.

Q. Do you know what relation the negroes hold towards [fol. 71] the white, in regard to number—can you estimate what the negro population is in the Parish?

A. No sir, I don't know—I could not.

Q. Can you estimate it?

A. No, not the population—I don't know anything about the population, or the relationship between the two.

Q. I ask you, in relation to the percentage of colored people in the Parish of St. John the Baptist—you have no idea what the percentage would be?

A. No sir.

Q. Have you many colored attending schools in the Parish of St. John the Baptist?

A. Yes sir, we have quite a number.

Q. About how many have you attending schools?

A. About six hundred now.

Q. How many white attending schools?

A. Approximately twenty-two hundred.

Q. How long have you been superintendent of schools, Mr. Montegut?

A. Eleven years.

Q. Have you in your office the United States census for this Parish?

A. I may have it—I am not quite sure.

Q. Can you look and see if you have it in your office?

A. Yes sir.

Q. Have you there in your possession a United States Census Bureau report of this Parish?

A. No sir—I have a preliminary announcement of Farm census for the year 1930.

Q. Does that show the population of the Parish of St. John the Baptist?

A. No sir, it does not.

Q. What does it show?

A. It shows the farm acreage, and the live stock and the selected crops, and the production.

[fol. 72] Q. That isn't the United States census that you have?

A. I understand it is the preliminary announcement of the farm census of 1930.

Q. That don't contain the census of the population of the Parish of St. John the Baptist, does it?

A. No, it doesn't.

The Court:

Q. It doesn't show the difference between the population of white and colored races?

A. No sir.

Mr. Woulfe:

Q. That isn't the United States census that you have there?

A. That simply concerns farming and live stock and such as that—it is a preliminary announcement of the farm census.

Q. What is your opinion of the population of white and colored in this Parish, those that can read and write?

Mr. Conzelmann: I object to that, if Your Honor pleases, unless they qualify the witness.

The Court:

Q. Mr. Montegut, how long have you lived in the Parish?

A. I have lived here about thirty-five years.

Q. Were you born and raised here?

A. No, not exactly—I wasn't born here.

Q. You have been living here for thirty-five years—how old are you now?

A. 42.

Q. You are thrown in contact with the people around here?

A. Yes sir.

Q. Would you be in a position to estimate what the population of the Parish of St. John the Baptist is?

A. I think the population is around fourteen thousand.

Q. Of that number, do you think you can tell us what portion of that amount is composed of members of the colored race?

[fol. 73] A. I would say about three thousand.

Mr. Woulfe:

Q. In your estimate, would that number of three thousand approximate the number that can read and write?

A. I think there would be fully about twenty-five hundred.

The Court:

Q. Of that twenty-five hundred, Mr. Montegut, can you approximate, for the benefit of this record and the court—you are talking about males and females?

A. Yes.

Q. And children?

A. Yes.

Q. Can you approximate approximately what the male population is among the colored race of this Parish?

A. No, I really wouldn't be in a position to do that.

Q. Would you say that it would be about one-half, or one-third of the twenty-five hundred that you just mentioned?

A. Yes—that, I would say, would be a guess.

Q. That is what I want you to do, guess at it?

A. I would guess that about one-half of the three thousand would be males.

Q. Over twenty-one years of age?

A. No, not over twenty-one. The population of fourteen thousand comprises children and all.

Q. I am asking you this for the benefit of this record. All that we are trying to ascertain is the amount of the colored population who would be eligible for jury duty in case they were called on in this parish. Naturally, we do not have any females on juries here—under the law they have to make a request to be placed on the jury—and we cannot use minors on juries, you know that?

A. Yes.

Q. We can only place male persons, over the age of 21 years, who possess the following qualifications. That they [fol. 74] must know how to read and write the English language inteloigently. You having stated that fourteen thousand would compose the population, do you include in that both men, women and children?

A. Yes sir.

Q. I ask you, for the benefit of this record, how many of those fourteen thousand would you approximate are males, over the age of 21 years, who would be eligible for jury duty, if they were called on in this Parish?

A. I wouldn't say more than about twenty-five or fifty—in that neighborhood.

Q. Twenty-five or fifty colored men?

A. Yes sir.

Q. Between 21 and 65 years of age?

A. Yes sir.

Q. Because if they are over 65 years of age, they can come in and claim an exemption?

A. Yes sir.

Mr. Woulfe:

Q. Of course, you don't know how you arrive at that opinion, or that guess?

A. That is just my general impression, by dealing with the people.

Q. Isn't it a fact that there are more than twenty-five or fifty males, above the age of 21 that really know how to read and write in this Parish?

A. I do not know that.

Q. You do not?

A. No sir.

Cross-examination.

Mr. Conzelmann:

Q. Do you know the qualifications of a petty juror?

A. No sir.

LUCIEN TROXLER, after being duly sworn, testified as follows:

Direct examination.

[fol. 75] Mr. Woulfe:

Q. Mr. Troxler, are you a resident of this Parish?

A. Yes sir.

Q. Are you a member of the bar of this Parish?

A. Yes sir.

Q. Have you lived here all of your life?

A. No sir.

Q. How long have you lived here?

A. Nineteen years.

Q. How old are you, Mr. Troxler?

A. Thirty, at my nearest birthday.

Q. Can you estimate the population of the Parish of St. John?

A. No sir.

Q. Do you know what the proportion of white and colored in the population of the Parish of St. John the Baptist is?

A. No sir.

Q. You have no idea?

A. No sir.

O. J. BECNEL, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

Q. Mr. Becnel, you have lived in this Parish all of your life?

A. Yes sir.

Q. How old are you?

A. I am sixty years of age.

Q. Do you know approximately the population of this Parish?

A. No sir.

Q. Do you know the population of whites and colored in this Parish?

A. No sir.

Q. You don't know?

A. No sir.

[fol. 76] F. N. DINVANT, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

Q. What is your business?

A. Grocery business and farmer.

Q. You are a colored man?

A. Yes sir.

Q. Do you know approximately how many colored people there are in the Parish of St. John the Baptist?

A. No sir, I have no idea.

Q. Is it many, or a few?

A. It seems to me they have just about the same amount.

Q. Do you mean that it is half and half—half white, and half colored—is that your estimation?

A. Just about—I am not positive—that is just my mind.

Q. Do you know approximately how many men, how many negroes, above the age of 21, can read and write, and are residents of this Parish?

A. I have not the least idea.

Q. Would it be more than one?

A. Sure.

Q. Would it be more than ten?

A. Sure, I think so.

Q. Would it be more than 150?

A. I think so.

Q. Would it be more than 500?

A. Well, I could not say approximately on that.

Q. Would you say it is more than three hundred, or three hundred and fifty?

A. I believe there are more than three hundred and fifty.

Cross-examination.

Mr. Conzelmann:

Q. Do you know what the population of the Parish is?
[fol. 77] A. No, I have no idea.

Q. Do you mean to testify that, in the population of the Parish of St. John the Baptist, that there are as many negroes as there are white people?

A. I say I figure about half and half. That is just my mind.

Q. You are just guessing at that?

A. Yes sir.

Q. Could you say on which side of the river most of the colored people live?

A. Well, I think on both sides.

Q. Can you tell on what side of the river most of the white people live?

Q. I judge they have more white people on the other side.

Q. What side of the river do you think most of the colored people are on?

A. On this side—that is just my mind.

Q. That is your mind?

A. That is all.

Q. In other words, you mean that you are just guessing all around?

A. That is it.

Q. You don't know how many colored people there are in the Parish, do you?

A. No sir.

Q. Your business is store keeper?

A. Yes sir.

Q. Down at Tigerville?

A. Yes sir.

Q. That is on the same side of the river that the courthouse is on?

A. Yes sir.

Q. A lot of these colored people that you see around here come and go, don't they—they don't stay here all the time, do they—they are here for the grinding season and the threshing season, and off again, that is, a good lot of them?

A. Yes sir.

[fol. 78] Q. And whatever you testified to, you are just guessing at it?

A. Yes sir.

Q. Can you name me any of the colored people that you say can read and write the English language intelligently?

A. Well, everything I said was just a guess. I couldn't say anything like that. I can't do it—I can't guess at all.

The Court:

Q. You can name yourself, if you want to?

A. I can't guess.

Q. Can you read and write?

A. I can.

Q. Were you born and raised in the Parish of St. John?

A. Yes sir.

Mr. Conzelmann:

Q. Did you ever read the Constitution of the United States?

A. No sir.

Mr. Woulfe: I object to that—that is not a qualification.
The Court: The witness is under cross-examination.

Mr. Conzelmann:

Q. You say you haven't read the Constitution of the State of Louisiana?

A. No sir.

Q. Have you ever read the Constitution of the United States?

A. No sir.

The Court:

Q. You live on the courthouse side of the river, don't you?

A. Yes sir.

Q. The Parish of St. John is divided by the Mississippi River?

A. Yes sir.

Q. The biggest part of the population of the Parish is on the other side of the river?

A. Yes sir.

[fol. 79] Q. How many times have you been across the river?

A. I don't go across the river often.

Q. When is the last time you were on the other side of the river, across from the courthouse?

A. Perhaps a year ago, judge.

Q. And before that, how many times?

A. Not often. Very, very seldom, judge.

Q. Do you know anybody particularly across the river?

A. Only a few people.

Q. Have you any relations over there?

A. I don't hardly think so.

Q. When you go across the river, where do you go?

A. Mostly just to the bank, and then back.

Q. You go there to make a deposit for your grocery store?

A. Yes sir,

Q. You don't speak to the neighbors?

A. No sir.

Q. You don't hobnob with the people across there?

A. No sir.

Q. You go over and make a deposit in the bank, and come back?

A. Yes sir. Maybe it is longer than that.

Q. You don't know how many people there are across the river?

A. No sir.

Q. You don't know how many white or how many colored people there are?

A. No sir.

Mr. Woulfe:

Q. Do you know a man named H. P. Williams, at Garyville, a colored man, an undertaker.

A. I think I kind of know him—I think so—A. P. Williams—I think I remember seeing that name.

Q. Do you know a man named George Courou?

A. I think I know him. Of course I know plenty people by that name, but I don't know if that is the particular one. That is a big family, you know.

[fol. 80] Mr. Woulfe:

Q. Do you know Reverend George Washington?

A. No, I don't know him personally.

Q. Do you know Albert Washington?

A. Yes.

Q. Is he colored?

A. Yes.

Q. Do you know Augustus Reed?

A. Sure.

Q. Do you know a man named Lemox?

A. I heard talk about him, yes.

Q. Are all of those people, whose names I have called, colored?

A. Yes.

Q. Are they above the age of twenty-one?

A. Yes sir.

Q. Do you know whether or not they know how to read and write?

A. Well, I know Albert Washington and Augustus Reed know how to read and write; the rest, I don't know. I never did have any dealings with them.

Q. How many colored people around your store, males, above the age of 21, can read and write, to your knowledge?

A. Well, I know a few that know how to read and write, but I can't say how qualified they are. They can read, and write their name, or something like that.

Q. I am asking you how many, among those people that come to your store, colored people, above the age of twenty-one years, can read and write?

A. I think they have a few of them that know how to read and write.

Q. How many would you estimate, would you judge that you know personally?

A. Maybe ten or twelve, approximately.

CHARLES DE'RONCELET, after being duly sworn, testified as follows:

Direct examination.

[fol. 81] Mr. Woulfe:

Q. You are a member of the colored race—you are a colored man?

A. Yes, sir.

Q. How old are you?

A. I am 67.

Q. Can you read and write?

A. A little, yes sir.

Q. Do you know any colored men above the age of 21 in this Parish that can read and write?

A. Well, I know a few.

Q. How many, approximately, do you know, above the age of twenty-one, that can read and write, that are colored?

A. Well, between twelve and fifteen—I am simply guessing, not that I am positive of it.

Q. Twelve or fifteen?

A. Yes, sir.

Q. Do you know what is approximately the population here in the Parish of St. John the Baptist?

A. No, sir.

Q. Do you know approximately the percentage of colored people, in relation to the white people in this Parish?

A. No sir, I don't. I believe that there is less colored people than white people, but I don't know the amount.

Q. Would you say that it is much less, or about half and half?

A. I believe it is less than half and half.

Q. Would you say that about one-third is colored?

A. Well, I couldn't exactly be sure. I am simply guessing at these questions. I believe there are less colored people than white people, but I can't exactly say how many.

Q. Have you ever served on any jury here?

A. Well, yes sir, in my young days.

Q. You mean before 1896?

A. Yes sir.

Q. You have never served since then, have you?

[fol. 82] A. No sir.

Cross-examination.

Mr. Conzelmann:

Q. Where do you live?

A. In the First Ward.

Q. Where did Hugh Pierre live?

A. In the First Ward too.

Q. Do you know him very well?

A. Yes sir.

Q. How long have you known him?

A. Pretty nearly all his days. He was born and raised in my neighborhood, a few houses from mine.

Q. Is there anybody in his family married to anybody in your family?

A. Yes sir, one of his brothers is married to my daughter.

Q. You say you don't know how to read and write very well?

A. I know a little—I can read the newspaper and pick out the letters. I could not say I am educated.

Q. Do you think that if you read a paragraph of the Constitution that you could interpret it after you read it?

A. I don't know—I never read it.

Q. How many colored people in this Parish did you say know how to read and write, that you know of?

A. Well, I'll tell you, I told the gentleman a while ago between twelve and fifteen, but that was a guess around my home in the First Ward, but not of the Parish.

Q. How many are there around your neighborhood?

A. I just guess it is around twelve or fifteen that can read and write.

Q. What are the ages of those parties—are they over 21—are any of them over 65?

A. Well, a good many of them that I know are over 21.

Q. Are there any of them over 65?

A. I don't believe.

[fol. 83] Q. Suppose you give us the names and the addresses of these twelve or fifteen that you say know how to read and write?

A. I will have to think a while. I would like to give the names, and to be sure of what I am doing. It is simply a guess. I am not sure that probably some of the names that I would give you would be 21. That is why I told you that it was simply guessing. Maybe some of them are not twenty-one that I am counting—I don't know.

The Court:

Q. How many would you say are not twenty-one, about?

A. That question surprises me. I can't make up my mind exactly.

Q. How old are you, Charley?

A. I am 67.

Q. Do you remember when you served on a jury last in this Parish?

A. I don't think that I could remember the year, it has been so long ago. It was at the time of Judge Ross.

Q. Was Mr. Gervais Leche the District Attorney at that time, or Mr. Prentiss Edrington, or Mr. Perkins, at the time that you served on the jury?

A. I am not sure. I remember the District Attorneys, but I am not positive which one of them. I remember all three of them that you mentioned, but I am not sure at the time that I served that it was Judge Leche—I mean the old man, at the time. I can tell you at the time I served—do you remember Mr. Voisan?

Q. Do you mean Mr. Mark Voisan that worked in the Sheriff's office?

A. Yes sir.

Q. It was at that time, in 1896 and 1897?

A. Yes sir.

Q. That was before Mr. Hart was Sheriff?

A. At the time I served, Mr. John Weber was Sheriff.

Q. At that time, wasn't the colored population of the Parish much larger than the white population, in the Parish of St. John the Baptist?

A. As far as I can remember, it didn't seem so, no.

[fol. 84] Q. It was, wasn't it?

A. At that time I imagine that they were about even—the white and the colored people were about even to me. That

is a guess, you see. I believe that there were about as many of one kind as there were of the other.

Q. You remember me, don't you?

A. Yes sir.

Q. Do you remember me as a boy here, a little boy in short pants?

A. I don't remember you in short pants, but I remember you.

Q. You never served as a juror when I was practicing law?

A. No sir.

Q. Did you serve as a juror at the time that Judge Gaudet was Judge?

A. At the time I served on the jury, it was Judge Ross.

Q. Do you remember the time when Harper was tried for killing Ben Tilden?

A. Yes sir.

Q. Was it before that, or after that?

A. As far as I believe, it was before that.

Q. The courthouse is different today than it was then?

A. Yes sir.

Q. You say you are 60 years old?

A. I am 67.

T. J. NAGEL, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

Q. Mr. Nagel, do you live in this Parish?

A. Yes sir.

Q. How old are you?

A. 58—nearly 59.

Q. Mr. Nagel, do you know approximately that is the negro population in this Parish, to the best of your knowledge?

[fol. 85] A. I could not tell you. I used to be pretty well posted, but I am not any more. Our population has increased to such an extent that I can't tell you.

Q. Are there many negroes in this Parish?

A. There are quite a few.

Q. Would you approximate the amount of negroes in this Parish, above the age of 21, that can read and write—males?

A. No.

Q. Would you say that it is more than one?

A. Yes, it is more than one, and more than two.

Q. Would you say it is more than two or three hundred?

A. No, I don't suppose—I don't know. I am in no position to tell you at all.

Q. Would you say it is more than a hundred?

A. I could not say.

CLARENCE SORAPARU, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

Q. How old a man are you?

A. Thirty-one.

Q. You are colored?

A. Yes sir.

Q. Can you read and write?

A. Yes sir.

Q. Have you ever served on any jury in this Parish?

A. No sir.

Q. Have you ever been called to serve on any jury in this Parish?

A. No sir.

Q. Do you know other colored men above the age of 21, that can read and write in this Parish, that are residents?

A. I know a few of them.

Q. Where do you live?

A. In Lucy, the First Ward.

Q. Do you know how many men, approximately, above the [fol. 86] age of 21, colored, that can read and write, in this Parish?

A. No, I could not tell you exactly, but there are quite a number of them. Maybe a hundred and fifty, you may say, or more.

Q. What kind of work do you do?

A. I am farming.

Q. Do you know approximately, in regard to the population of this Parish, what is the approximate percentage of negroes in this Parish?

A. No sir, I could not tell you—I have never studied that.

Q. Are there a few of them?

A. Well, probably you can say maybe as high as twenty per cent—I don't know about that. That is according to my opinion.

Cross-examination.

Mr. Conzelmann:

Q. How old are you?

A. 31.

Q. What school did you go to?

A. To the rural school in Lucy, and very little elsewhere.

Q. What grade did you go to?

A. Eighth Grade.

Q. You say you are a farmer?

A. Yes sir.

Q. What is the population of the Parish, do you know?

A. No sir, I could not tell you.

Q. How can you estimate the percentage of colored as against the total population, if you don't know the population of the Parish itself?

A. That is a matter of opinion, Mr. Conzelmann.

Q. When you say that the colored population is about twenty per cent of the total population, you are just guessing?

A. It is a matter of opinion, yes sir.

Q. Your opinion is your guess?

A. Sure.

Q. You said that you know a hundred and fifty negroes in this Parish that know how to read and write?

A. I don't know them—I said there are approximately that many. I know a few, but not that many.

[fol. 87] Q. Then you don't know a hundred and fifty. How many would you say that you know that really know how to read and write?

A. Probably a dozen.

Q. Where do they live?

A. They live around my neighborhood, around Lucy—I know one in LaPlace.

Q. Who is that one?

A. Professor Reed Augustus.

Q. He is a professor in the school there?

A. I don't know that he is reaching any more—he used to teach.

Q. How old is he?

A. I could not tell you his age.

Q. Do you know the qualifications of a juror? Do you know what qualifications a person has to possess to serve on a jury?

A. No sir, I never did know that.

Q. Who else do you know that knows how to read and write?

A. My whole family knows how to read and write.

Q. What does that consist of, your whole family?

A. Three brothers and four sisters.

Q. How old are the brothers?

A. They are above 21.

Q. Have any of them ever been charged with any crime, or offense, in this Parish?

A. No sir, not that I know of.

Q. Have you ever been in court for anything?

A. No sir.

Q. Have any of your brothers ever been?

A. Not that I know of.

Q. Who else do you know?

A. F. N. Danvant.

Q. He said he knows a little bit about how to read and write. Do you mean the witness that was on the stand?

A. Yes sir.

Q. You don't know how much these parties can read and [fol. 88] write, do you?

A. No sir.

Q. Do you know whether Danvant ever went to school or not?

A. No sir—he is older than I am, so I don't know where he went when he was young.

Q. Who else do you know?

A. I know his son, Newton Danvant.

Q. Do you know how old he is?

A. I don't know his exact age, but he can't be over five or six years older than I am.

Q. How do you know that he knows how to read and write?

A. Because I have seen him sign things.

Q. Can't a man sign things and not know anything else?

A. Perhaps so.

Q. Don't you think that his own father would have said

that he knew how to read and write—he said he didn't know of anybody?

A. I don't know what his daddy would say.

Q. Do you mean that when a man writes his name, that he knows how to read and write?

A. I imagine he knows how to write.

Q. You imagine that any man that can sign his name, can read and write?

A. Perhaps there are some that can't do any other thing but sign their name.

Q. I ask you, would you consider a man who can write his name, that he knows how to read and write?

A. Well, no.

Q. Who else do you know?

A. Well, at present, I could not say.

Q. That is about six that you know?

A. Yes sir.

The Court:

Q. Six, except the professor that you talked about, that live around Lucy?

[fol. 89] A. Yes sir.

Q. Lucy is what they call the First Ward of this Parish?

A. Yes sir.

Q. And this man that is charged with this crime, for which he is going to be tried, lived in the First Ward, didn't he?

A. Yes sir.

Q. He lived in Lucy?

A. Yes sir.

Q. In what they call the entourage community?

A. Yes sir.

Q. That is the people that you are talking about, that know how to read and write?

A. Yes sir.

Q. Are you related in any way, by blood or marriage, or kin, to this man Pierre?

A. No sir.

A. L. Brou, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

Q. Mr. Brou, you were formerly the Clerk of Court?

A. Yes sir.

Q. How long have you lived here in this Parish?

A. All my life—about 46 years.

Q. Do you know approximately the population of this Parish?

A. That would be only guesswork—about twelve or fifteen thousand.

Q. Do you know approximately what percentage of that population is made up of negroes?

A. I could not say, sir.

Q. Would you say that it is twenty, or thirty, or fifty per cent?

A. I would say about thirty per cent, yes sir.

The Court:

Q. When you say thirty per cent, do you take in men, [fol. 90] women and children?

A. That includes everybody.

Mr. Woulfe:

Q. Of that thirty per cent, do you know approximately the number of negroes, over the age of 21 years, that can read and write?

The Court: What we are trying to ascertain, Mr. Brou, keeping in mind always the fact that we are trying to ascertain what is the average population of the colored race of this Parish, who, if called, could qualify as jurors, and that means male persons. Under our law, a female may come and apply and signify her intention to perform jury duty. Male people who could qualify as jurors, and not the male population of this Parish, over the age of 21 years. What percentage would you say there are?

A. What percentage of that particular race can read and write, above the age of 21?

Q. Who are qualified, under our law to serve as petty jurors?

A. I wouldn't say more than about two per cent of that thirty per cent.

Mr. Woulfe:

Q. Would you say that it was more than one person?

A. Yes sir, I would say that.

Q. Would you be able to estimate in figures, just how many?

A. I don't think I could, right offhand. It would be a pretty hard matter. Besides, I don't know them all.

Q. Would you say it would be more than two or three hundred?

A. It wouldn't be two hundred, I don't hardly think.

Q. Would it be more than one hundred?

A. I doubt if it would be that much.

Q. You don't know of any amount?

A. No sir—I don't believe it would go to one hundred.

Q. It would be more than one or two, wouldn't it?

A. Yes sir.

[fol. 91] IGNACE HILLAIRE, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

Q. How old a man are you?

A. 48.

Q. You are a colored man?

A. Yes sir.

Q. How long have you lived in this Parish?

A. I was born and raised here.

Q. Can you read and write?

A. A little bit.

Q. What do you mean by a little bit—can you read a newspaper?

A. No, I can't read a newspaper. Sometimes I read some portion, you know.

Q. Some portions you can read, and some portions you can't?

A. Yes sir.

Q. How well can you write?

A. Well, I can write.

Q. Can you write a letter?

A. Sure I write a letter.

Q. Have you ever been a juror in this Parish?

A. No sir.

Q. Have you ever been summoned as a juror?

A. No sir.

Q. Do you know other colored men, above the age of 21, that can read and write, that reside in this Parish?

A. Yes sir.

Q. Approximately how many do you know, above the age of 21, that can read and write?

A. Well, I can say about fifteen around here that I know, around the courthouse.

Q. Do you know approximately how many negroes live in the Parish?

A. No sir.

Q. Is it many, or a few?

A. It is plenty.

Q. Do you know approximately how many negroes, above the age of 21, that can read and write, that reside in this Parish?

A. About fifteen that I know around here.

Q. There are fifteen that you personally know that can [fol. 92] read and write, is that it?

A. Yes sir.

Q. And you, of course, don't know how many others besides those fifteen there are?

A. No sir.

Cross-examination.

Mr. Conzelmann:

Q. You say you don't know how to read and write very well, do you?

A. Yes, I know a little bit, but I don't know everything.

Q. If you were to read something, do you think you would know what you read?

A. Why sure I know, after I read and write it.

Q. Do you think that, after you read something, you could explain it afterwards?

A. Sure I could.

Q. Are you sure about that?

A. I am sure about it.

Q. I will show you something, and ask you to read it and then explain it to me. Read Article 9 there—read it and see if you can explain it to me?

A. They're got some words there I don't know.

Q. I show you Section 9 of the Bill of Rights of the Con-

stitution of Louisiana, and I ask you to read it and explain it to me?

A. Yes, there is a question there I can explain—they cannot be tried without twelve jurors.

Q. That is the only thing that you can explain in there?

A. Yes, that is the only thing I can explain.

Q. The balance of it, you can't understand?

A. Some words I understand good, but some words I can't explain good.

Q. Why not?

A. Because I never read it before.

Q. That is all that you understand in there, that it takes twelve jurors to try a man?

A. Yes.

[fol. 93] Q. That is what you understand about that section there?

A. Yes.

Q. Can you try them with less than twelve, according to that?

A. Well, I could not say.

Q. After you have read it, you could not tell whether you could try them with more or less than twelve, could you?

A. Well yes, I have seen them try them with six.

Q. I didn't ask you that—I say, after you have read this Article here—never mind about what you have seen—after you read this article, you see in there that it must be twelve jurors?

A. Yes.

Q. Is there anything that says that you can try them with more or less than twelve?

A. Yes sir.

Q. Where does it say that?

A. Here it is—it says less than twelve.

Q. How does it say less than twelve?

A. I don't know.

Q. You can't explain it?

A. No.

Q. How old did you say you are?

A. 48.

Q. Are you a married man?

A. Yes sir.

Q. How long have you been married?

A. 19 years.

Q. Have you ever been in this court for anything?

A. Yes sir.

Q. For what?

A. I have been a witness here once.

Q. Was there ever any charge against you for anything—have you ever been here for fighting, or disturbing the peace or anything like that?

A. No sir.

Q. Only as a witness?

A. Yes.

Q. You say you know some people around your neighborhood that know how to read and write?

A. Yes.

Q. Who are they—name one of them?

A. I know my brother Charley can read and write.

[fol. 94] Q. How old is he?

A. I can't tell you how old he is. My brother Romero can read and write.

Q. How old is he?

A. I don't know how old he is.

Q. Who else do you know?

A. I know other people, but I can't call their names. I don't know their right names.

Q. What are their nick names?

A. Artrey Simon.

Q. How old is he?

A. I don't know.

Q. Who else do you know?

A. James Gautier.

Q. How old is he?

A. I don't know.

Q. Who else do you know?

A. Sam Johnson.

Q. How old is he?

A. I don't know.

Q. Who else?

A. Rufert Danove.

Q. Is he related to F. N. Danove?

A. Yes sir.

Q. What relation?

A. His son.

Q. F. N. Danove could not give the names of anybody that could read and write, and yet you come here and give the name of his son?

A. And John Ory.

Q. How old is he?

A. I don't know—and his two sons.

Q. What are the names of his sons?

A. I don't know their names.

Q. Do you know how old they are?

A. No.

Q. How many of these people whose names you have called out to me, have ever been charged with any crime or offense in this court—do you know what I mean?

A. Yes, I know what you mean.

Q. What do I mean?

A. You mean if they ever had charges against them.

Q. Did any of these people ever have any charges against them?

A. I don't know—they may have had, I don't know.

Q. Do you know the qualifications of a juror—do you know the qualifications that a man has to possess to be a competent juror in this Parish, or in the State of Louisiana? [fol. 95] A. No sir, I don't know.

Q. You don't know that a man that has been charged with a crime, or an offense, can't serve as a juror in this Parish?

A. Sure.

Q. If a man has a charge pending against him, he can't serve as a juror, do you know that?

A. No sir.

Q. All of those people that you have named here, you know that they can read and write?

A. Yes sir.

Q. Do you know how old they are?

A. No sir.

Q. And you don't know whether they have a charge pending against them or not?

A. No sir.

Mr Woulfe:

Q. Do you know whether any of those people whose names you have mentioned are over the age of 21?

A. I believe it is only one of them boys—I don't know his age—I don't believe he is 21, Mr. Ory's boy.

Q. All the rest that you have mentioned, are over 21?

A. Yes sir, I believe so.

Mr. Conzelmann:

Q. Do you think they can read and write?

A. As far as I know, I believe so.

Mr. Woulfe: I object to that.

The Court: The objection is good.

JOHN D. REYNAUD, after being duly sworn, testified as follows:

Direct examination.

Mr. Woulfe:

[fol. 96] Q. You are the editor of what paper in this Parish?

A. la Meschacebe.

Q. How old a man are you?

A. Exactly 50.

Q. You have lived in this Parish how long?

A. Fifty years—all of my life.

Q. As a newspaper man, have you any negro subscribers to your paper in this Parish?

A. Well, I am not publishing anymore, but I had negro subscribers.

Q. You are not publishing the paper any more?

A. No sir.

Q. Approximately, how many negro subscribers did you have for your newspaper?

A. About two.

Q. Do you know what the percentage of negroes is in this Parish, to the whites?

A. I am in a position to give you exactly the population of St. John Parish, being the United States enumerator, and I will say that it is about thirteen or fourteen thousand.

Q. Of that, what is approximately the negro population?

A. About three thousand.

Q. Of those three thousand, approximately how many are negro males, above the age of 21, can you estimate that?

A. Well, I could not tell you positively, but about twelve hundred—I could not swear to it, because it is so many years since I — taken the census.

Q. Would you know approximately how many of the twelve hundred can read and write?

A. Well, very few, I can tell you.

Q. Well, approximately?

A. Those that can read and write, can't understand what they read and write.

Q. Would you approximate the number approximately?

A. I wouldn't put it at more than about seventy-five.

Q. You wouldn't put it at one, would you?

Q. No, I would not put it at one, but some of those who can [fol. 97] read and write don't know what they are reading or writing.

Q. But you have reached an estimate that the number that you think can read and write would be about seventy-five, is that correct?

A. Well, intelligently, I wouldn't put it at seventy-five.

Q. What would you put it at?

A. About fifty.

H. R. MARTIN, after being recalled, testified as follows:

Direct examination.

Mr. Woulfe:

Q. Mr. Martin, just what method do you gentlemen use in selecting these three hundred names for this general venire?

Mr. Conzelmann: I would like to know the object and purpose of the question.

Mr. Woulfe: The object and purpose of it is that there was discrimination used in the selection of the names.

Mr. Woulfe: From what source?

Mr. Conzelmann: If you know yourself, Mr. Martin?

A. They were taken offhand.

Mr. Woulfe:

Q. What do you mean by that?

A. Well, for instance, they would come here and fill out the panel with three hundred names.

Q. Do you mean you did that, or the commissioners did it?

A. The commissioners, as a whole. For instance, the commissioner for the Sixth Ward.

The Court: He wants you to tell him how did they go about putting the names in the box?

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A. The names were given by the commissioners. The commissioners were there themselves when the general [fol. 98] venire was drawn. The man from the Sixth Ward, for instance, would have so many names, and they filled out the general venire.

Mr. Woulfe:

Q. You don't know where he got the names from?

A. No, I do not.

Q. Or in what manner?

A. Just offhand. There is no factional line drawn, however, in the general venire, if there is a faction in the Parish.

Q. What do you mean, politics?

A. Yes.

Q. How about race, and color?

A. I don't know anything about race and color.

Q. Were you present—your proces verbal shows that, does it?

A. Yes—you have it.

Q. Did you get the names from Mr. Berthalot, and the rest of these gentlemen—Mr. Vicknair?

A. Yes.

Q. And you have no way of knowing where they got the names from?

A. No

Mr. Woulfe: That is our case, if the court pleases.

[fols. 99-225] Stenographer's certificate to foregoing transcript omitted in printing.

[fol. 226] UNITED STATES OF AMERICA, STATE OF LOUISIANA,
PARISH OF ST. JOHN THE BAPTIST

MINUTES OF PROCEEDINGS

Be it Known, that on this 27th day of the month of December in the year of our Lord one thousand nine hundred and thirty-five, and of the Independence of the United States of America, the one hundred sixtieth,

The Jury Commission in and for the Parish of St. John the Baptist, met at the Clerk's Office in this Parish, after

having been duly notified by the Clerk of the Court for the purpose of purging and replentshing the General Venire List and to select a Grand Jury and to draw the Petit Jury for the term of court to be held and begun on the Fourth Monday in January, 1936.

Present: Albert Montegut, Arthur Duhe, Sidney Faucheux, and H. R. Martin, Clerk.

Absent: Edward J. Berthelot, and Albert Vicknair.

And the said Jury Commission in the presence of Felix Berthelot and A. Chapoton, competent witnesses, of lawful age, competent to read and write the English language, residents of this Parish summoned by the Clerk for that purpose, have selected from the persons qualified to serve as Jurors for this Parish the following three hundred names of competent and good persons a list of whom was made by the Clerk of Court under the supervision of said Jury Commission and witnesses, as follows:

No.	Names	Ward
1.	M. T. Haik	1
2.	Dr. M. Cognevich, Jr.	1
3.	Albert J. Berthelot	1
4.	Maurice St. Pierre, Sr.	1
5.	Berney Tassin	1
6.	John D. Reynaud	1
7.	Emilien Borne	1
8.	L. P. Debautte	1
9.	Adolphe Sigur	1
10.	Leon Borne	1
11.	Roy Borne	1
12.	Emile Granier	1
13.	Leonard Millet	1
14.	S. J. Kroll	1
15.	Onezime Dufresne	1
16.	Clerville Trosclair	1
17.	Eddie Granier	1
18.	Edmond Trosclair	1
19.	Joseph Bonneville	1
20.	Eddie Desroche	1
21.	Wolford Froll	1
22.	Paul J. Champagne	1
23.	Noe Gendron	1
24.	Walton Darensbourg	1
25.	Philip Webre	1

No.	Names	Ward
26.	Arnaud Tassin	1
27.	Nemour Fabre	1
28.	N. E. Beauvois	1
29.	Andre Borne	1
30.	Lionel J. Champagne	1
31.	Maurice St. Pierre, Jr.	1
32.	Roger St. Pierre	1
33.	F. N. Dinfant	1
34.	Michel Lanous	2
35.	George Haydel	2
36.	Stanilaus Hymel	2
37.	Emile Dutriex	2
38.	Albin Roussel	2

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39.	Hamilton Haydel	2
40.	Oliver Smith	2
41.	Claude Songy	2
42.	Lezin Perret	2
43.	Felicien Tassin	2
44.	Wiltz Faucheux	2
45.	Alfred Faucheux	2
46.	Herman Webre	2
47.	Ed. C. Roussel	2
48.	Isaie Tassin	2
49.	Ruffin Leroux	2
50.	Leopold Borne	2
51.	Henry Boudreaux	2
52.	Whitney Becnel	2
53.	Alfred Chapoton, Sr.	2
54.	Eddie Borne	2
55.	Joseph C. Faucheux	2
56.	Bert Amedee	2
57.	O. J. Becnel	2
58.	Edgard Webre	2
59.	Paul Gendron	2
60.	Elmo Madere	2
61.	Paul Zeringue	3
62.	Henry B. Tassin	3
63.	S. A. Faucheux	3
64.	Ignace Faucheux	3
65.	Oliver Dufresne, Jr.	3
66.	Valcour Rodrigue	3

No.	Names	Ward
67.	M. F. Tassin	3
68.	William Perret	3
69.	Robert Dufresne	3
70.	Arnold Fauchaux	3
71.	Antoine Aubert	3
72.	Henry Burch	3
73.	Joseph H. Dufresne	3
74.	Elmo Tregre	3
75.	Clifton Tassin	3
76.	Albert Gravois	3
77.	Fergus Fauchaux	3
78.	Sidney Borne	3
79.	Luc Songy, Jr.	3
80.	Frank Chabaud, Jr.	3
81.	Emile Tassin	3
82.	Theodore Roussel	3
83.	Aubert Zeringue	3
84.	Willie Melancon, Jr.	4
85.	Charley Millioto	4
86.	Regis Oubre	4
87.	Ellis J. Reine	4
88.	Henry Marino	4
89.	Santo Zito	4
90.	Benney Champagne	4
91.	Emile Champagne	4
92.	Augustia Madere	4
93.	Emile Petrolia	4
94.	Camille Perilloux	4
95.	Lawrence Wimprenne	4
96.	Adam Schexanyder	4
97.	William Madere	4
98.	Cleveland Perilloux	4
99.	Frank Schloesser	4
100.	Frank Coquit	4
101.	Joe Millioto	4
102.	L. J. Vicknair	4
103.	Walter Vicknair	4
104.	J. A. Blanchard	4
105.	Felix Simoneaux	4
106.	Gaston Duhe	4
107.	Alberic Simoneaux	4
108.	Gaston Duhe	4
109.	Leonard Duhe	4

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No.	Names	Ward
110.	Elmore Madere	4
111.	George Jacob	4
112.	Achille Aucoin	4
113.	Nelson Haydel	4
114.	Willie Keating	4
115.	Henry Madere	4
116.	Felicien Danoux	4
117.	Optimee Tregre	4
118.	C. S. Hosea	4
119.	Julien Haydel	4
120.	Norbert Berthelot	4
121.	Sidney Brady	4
122.	Willie Bossier	4
123.	James Bossier	4
124.	H. Wimprenne	4
125.	Amedee Clement	4
126.	Walter Edler	4
127.	Albert Bailey	4
128.	Charles Bailey	4
129.	Preston Duhe	4
130.	Peter Conrad	4
131.	Shelby Traficano	4
132.	Louis Martin	4
133.	Oliver Oubre, Jr.	5
134.	Albert Poche, Jr.	5
135.	Louis Millet	5
136.	Paul Camallo	5
137.	Stradley Ocmand	5
138.	Peter Williams	5
139.	Olidee Ocmand	5
140.	Optimee Delaneuville	5
141.	Pamphile Webre	5
142.	Ulysse Dufresne, Jr.	5
143.	Robert LeBlanc	5
144.	Dewey Delaneuville	5
145.	Malone Templain	5
146.	Elmore Ruiz	5
147.	Larry Williams	5
148.	Ivy Jacob	5
149.	Alexander Brady	5
150.	S. D. Brown	5

No.	Names	Ward
151.	Elmer Hebert	5
152.	Oliver Duhe	5
153.	Eugene Delaneuville	5
154.	Eddie Madere	5
155.	Samuel Jacob	5
156.	Harry Badeaux	5
157.	Martin C. Ruiz	5
158.	Folger Trosclair	5
159.	Francis Cambre	5
160.	Carlo Saragusa	5
161.	Henry Catoire	5
162.	Ozemee Vicknair, Jr.	5
163.	Emile Batard, Jr.	5
164.	Ambroise Duhe	5
165.	Wilfred Duhe, Jr.	5
166.	Jean Baptiste Boe	5
167.	Percy Keller	5
168.	Edward F. Millet, Sr.	5
169.	Ellis Cambre	5
170.	Williard H. Thomas	5
171.	Rene Englade	5
172.	John Audiffred, Jr.	5
173.	Ernest Martin	5
174.	Arthur Voisin	5
175.	Eddie Gautreaux, Jr.	5
176.	Eric Courtade	6
178.	Suplice Amedee	6
179.	Sam Millet	6
180.	Leo Barbier	6

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181.	Philip Chauvin	6
182.	Lionel Comeaux	6
183.	Leonce Montz	6
184.	Gilbert Gorio	6
185.	Lamana Monica	6
186.	Romain Tregre	6
187.	Edward Simon, Jr.	6
188.	Sam Polito	6
189.	Felix Millet	6
190.	Roy Perano	6
191.	Lyman Rosenberger	6
192.	Murphy Torres	6

No.	Names	Ward
193.	Charles LeBlanc	6
194.	Richard Ory	6
195.	Wilfred Millet	6
196.	Willie Benoit Schexnayder	6
197.	Raoul Boe	6
198.	Noland Badeaux	6
199.	Claude J. Brock	6
200.	M. S. Gaudet	6
201.	Lloyde Gregoire	6
202.	Appolinaire Rome	6
203.	Andrew Stien, Jr.	6
204.	Anicent Schexnayder	6
205.	James Trosclair	6
206.	Albert Jones	6
207.	Marcelin Ory	6
208.	Alfred Varret	6
209.	Charles Falgoust	6
210.	William Millet	6
211.	Alfred Scionneaux	6
212.	Arthur J. Hymel	6
213.	John Landry	6
214.	Sam Sawaya	6
215.	Alphonse Bergeron	6
216.	Amedee Kliebert	6
217.	Ferduice Millet	6
218.	Max Lassere	6
219.	Faustin Abadie	1
220.	Eddie Granier	1
221.	Jules Gendron	1
222.	Paul Champagen	1
223.	Earl Webre	2
224.	Rene Keller	2
225.	Louis Borne	2
226.	James Carreras	2
227.	Nemour Faucheux	2
228.	Albert Becnel	2
229.	Y. B. Terrebonne	2
230.	Ellis Roussel	2
231.	Malcolm Chapoton	2
232.	Arthur Aubert	3
233.	Marcelin Tregre	3
234.	Leo Genier	3
235.	Denis Dufresne	3

No.	Names	Ward
236.	Sidney Guadet	3
237.	Lucien Fauchaux	3
238.	Ben Dufresne	3
239.	Nemour Granier	3
240.	Max Waguespack	3
241.	Aubin Tassin	3
242.	Roger Abadie	3
243.	Florien Tassin	3
244.	Cyril Larose	3
245.	Emile Oncale	4
246.	Entremont Schexnayder	4
247.	Lionel Alexander	4
248.	Marcelin Clement	4
249.	Allen Montz	4
250.	Amedee Clement	4

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251.	Claude Cambre	4
252.	Clarence Clement	4
253.	Joe Marino	4
254.	Jorda Gendron	4
255.	Charlie Songy	5
256.	Taugan Kliebert	5
257.	Earl Elfer	5
258.	Clarence Breaud	5
259.	Samuel Jacob	5
260.	Michel Rome	5
261.	Edward Millet, Jr.	5
262.	S. Dantin	5
263.	Lance Montz	5
264.	Francis Chapoton	5
265.	Eddie Breaud	5
266.	Ferduice Millet	6
267.	Noland Badeaux	6
268.	Omere Ory	6
269.	Eugene Trosclair	5
270.	Paul Bourgeois	6
271.	Sam Amedee	6
272.	Tony Miano	6
273.	Emanuel Poche	6
274.	Romain Tregre	6
275.	Edward Simon, Jr.	6
276.	R. E. Rosenberger	6

No.	Names	Ward
277.	Murphy Torres	6
278.	Dave Perret	2
279.	David Webre	2
280.	George Roussel	2
281.	Prudent Debautte	1
282.	Rene Webre	1
283.	Adolph Sigur	1
284.	Henry Boudreaux	2
285.	Whitney Keller	2
286.	Sidney Roussel	2
287.	Clarence Roussel	3
288.	Robert Cazenave	3
289.	Frank Schexnayder	3
290.	Fernand Tregre	3
291.	Douglas Cambre	4
292.	Preston Montegut	4
293.	Icar Hymel	4
294.	Raphael Songy	4
295.	Ernest Duhe	5
296.	Raoul Lumanais	5
297.	Oliver Oubre, Sr.	5
298.	Stanley Madere	6
299.	John Duhe	6
300.	Robert Lambert	6

Each of the names of the said list had been written by the Clerk on a separate slip of paper together with the number of the Ward or place of residence of such person and the slips of paper or ballots containing the names selected have been placed by the Jury Commission in a box labelled General Venire Box.

And immediately thereafter the said Venire list had been completed, the Jury Commission, selected therefrom the following twenty names of citizens to be subject to duty as Grand Jurors for the term of Court to be held and begun on the 2nd Monday of January, 1936, to-wit:

No.	Name	Ward
1.	Prudent Debautte	1
2.	Rene Webre	1
3.	Adolph Sigur	1
4.	Henry Boudreaux	2
5.	Whitney Keller	2

No.	Name	Ward
6.	Sidney Roussel	2
7.	Clarence Roussel	3
8.	Robert Cazenave	3
9.	Frank Schexnayder	3
[fol. 231]		
10.	Fernand Tregre	3
11.	Douglas Cambre	4
12.	Preston Montegut	4
13.	Icar Hymel	4
14.	Raphael Songy	5
15.	Ernest Duhe	5
16.	Raoul Lumanais	5
17.	Oliver Oubre, Sr.	5
18.	Stanley Madere	6
19.	John Duhe	6
20.	Robert Lambert	6

Which names of persons so selected have been written on slips of paper by the Clerk of Court in presence of the Jury Commissioners and witnesses and the said slips were placed by the said Jury Commission in an envelope which was sealed and endorsed List of Grand Jurors.

And the slips contained in the General Venire Box having been well mixed by Mr. Sidney Fauchaux, one of the members of the said Jury Commission in the presence of the others and the witnesses above named has drawn from said Venire Box one at the time the following thirty names of persons to serve as Petit Jurors for the week beginning Monday, January 27, 1936, to-wit:

No.	Name	Ward
1.	Claude Songy	2
2.	Cleveland Perrilloux	4
3.	Charlie Milioto	4
4.	William Millet	6
5.	O. J. Becnel	2
6.	Elmer Hebert	5
7.	Murphy Torres	6
8.	Samuel Jacob	5
9.	Leo Barbier	6
10.	Lionel Alexander	4

No.	Name	Ward
11.	Charles Leblanc	6
12.	Emile Dutriex	2
13.	Maurice St. Pierre	1
14.	George Jacobs	4
15.	Percy Keller	5
16.	Willie Benoit Schexnayder	6
17.	Peter Williams	5
18.	Sidney Borne	3
19.	Wilfred Duhe, Sr.	5
20.	Robert Dufresene	3
21.	Henry Marino	4
22.	Sam Amedee	6
23.	David Webre	2
24.	Arnaud Tassin	1
25.	Joseph Bossier	4
26.	Whitney Becnel	2
27.	Emile Oncale	4
28.	Antoine Aubert	3
29.	Sam Millet	6
30.	Luc Songy, Jr.	3

Which was sealed envelope containing the names of Petit Jurors and those of Grand Jurors were placed by the Jury Commission in a box provided for that purpose, which was sealed and locked and placed in the Custody of the Clerk, for use at the next session of the 24th Judicial Court to be held and begun on the 2nd Monday, January 13, 1936.

In faith whereof, the said Jury Commission have signed these presents on the day and date hereinabove first written.

Witnesses:

(Signed) Alfred Chapoton, Felix Berthelot, Sidney G. Faucheux, Arthur Duhe, Albert Montegut.

(Signed) H. R. Martin, Clerk of Court, ex-officio Notary Public.

A true copy of the original.

H. R. Martin, Clerk. (Seal.)

[fol. 232] IN SUPREME COURT OF LOUISIANA

#34742

STATE OF LOUISIANA

VERSUS

HUGH PIERRE

Appeal from the Twenty-fourth Judicial District Court,
Parish of St. John the Baptist

Hon. L. Robert Rivards, Judge

OPINION—March 7, 1938

O'Niell, C. J., dissents and hands down reasons.

ODOM, J.:

Defendant was charged with murder, tried, convicted as charged, and sentenced to be hanged. He appealed, and for reversal relies on three bills of exception.

He filed a motion to quash the indictment on the following grounds:

"That the general venire box for the Parish of St. John, did not contain the names of any negro at the time the panel for the Grand Jury was drawn, which returned the Indictment herein against mover; that the officers of the law in charge of said matter not only failed to place in said venire box the names of any negroes qualified to serve as Grand or Petit Jurors but deliberately excluded therefrom the names of any negroes qualified to serve as Grand or Petit Jurors, which action on the part of said officers is a denial of due process of law, and is a violation of movers constitutional rights as granted him by the Constitution of the State of Louisiana, of 1921, and specially the 14th Amendment of the Constitution of the United States of America.

"Mover further shows, that he is informed and believes and so avers that there has not been a negro on the Grand Jury or Petit Jury of said Parish for at least 20 years; that the officers of said Parish have systematically, unlawfully and unconstitutionally excluded negroes from the Grand or Petit Jury in said Parish during this period of time; that

this exclusion of negroes as Jurors in this Parish is done solely and only because of their race and color and results in a denial to mover of due process of law and the equal protection of the law guaranteed him under the Constitution of the State of Louisiana of 1921, and the Constitution of the United States of America."

The motion to quash was overruled, and a bill of exception was reserved.

[fol. 233] After conviction he filed a motion in arrest of judgment, based on the same grounds as those which formed the basis of the motion to quash. The motion in arrest was overruled, and a bill was reserved.

During the course of the argument, the district attorney said:

"Gentlemen of the Jury—Finally and in conclusion when they call the roll of the damned already inscribed with the name of Dreher and LeBoeuf, Dalleo and Capaci, Eisenhardt and James, I say to you, make an example of this accused, stamp out cold blooded murder in this Parish by inscribing the name of Hugh Pierre on the roll call of the damned by returning a verdict of guilty as charged."

Counsel for defendant objected to this language because "said statement was prejudicial to defendant, was entirely outside of the evidence presented on the trial of said case and was for the sole purpose of prejudicing defendant before the Jury in making a comparison of the case upon which defendant was being tried with that of cases of banditry and murder".

Counsel requested the court to instruct the jury to disregard the remarks. The court refused to give the requested instruction, and a bill was reserved to the ruling.

Defendant is a negro and was prosecuted for killing a white man. The motion to quash the indictment and that in arrest of judgment are based upon the same grounds and will be considered together. These grounds were successfully urged by the defendant in the case of *Norris v. State of Alabama*, 294 U. S. 587, 55 Sup. Ct. 579, 79 Law Ed. 1074.

In the *Norris* case the Supreme Court reaffirmed its ruling in the earlier cases of *Carter v. Texas*, 177 U. S. 442, 20 Sup. Ct. 687, 44 Law Ed. 839, and in *Martin v. Texas*,

200 U. S. 316, 26 Sup. Ct. 338, 50 Law Ed. 497, where it was said:

“Whenever by any action of a State, whether through its legislature, through its courts, or through its executive or administrative officers, all persons of the African race are excluded, solely because of their race or color, from serving as grand jurors in the criminal prosecution of a person of the African race, the equal protection of the laws is denied to him, contrary to the Fourteenth Amendment of the Constitution of the United States.”

[fol. 234] In the Norris case, the court said:

“And although the state statute defining the qualifications of jurors may be fair on its face, the constitutional provision affords protection against action of the state through its administrative officers in effecting the prohibited discrimination.”

It was said by the court in the Norris case that there was no controversy as to the constitutional principle involved. The same may be said with reference to the case at bar. The constitutional principle which was involved in the Norris case and is involved in the case at bar, is that, if the state, either through legislation, through its courts or its executive or administrative officers, excludes from jury service all persons of the negro or African race in criminal prosecutions of the members of that race, solely because of their race or color, the equal protection of the laws is denied the one prosecuted, under the Fourteenth Amendment to the Constitution of the United States and, in this state, contrary to the Due Process Clause of the Constitution of 1921.

We now recognize that principle, as we have always done. This is shown by the following cases: *State v. Gill*, 186 La. 339, 172 So. 412; *State v. Turner*, 133 La. 555, 63 So. 169; *State v. Baptiste*, 105 La. 661, 30 So. 147; *State v. West*, 116 La. 626, 40 So. 920; *State v. Murray*, 47 La. An. 1424, 17 So. 832; *State v. Joseph*, 45 La. An. 903, 12 So. 934; *State v. Lawrence*, 124 La. 378, 50 So. 406; *State v. Casey*, 44 La. An. 969, 11 So. 583.

In fact, it is specially provided in the law prescribing the method of drawing grand and petit jurors to serve in both civil and criminal cases that “there shall be no distinction

made on account of race, color or previous condition". (Act 135 of 1898, page 216.)

If indeed it be true, as alleged in defendant's motion to quash the indictment, that members of the negro or African race, who possess the necessary qualifications as jurors, prescribed by the statutes, have been systematically excluded from such service in the Parish of St. John, where [fol. 235] this prosecution took place, solely because of their race or color, the indictment should have been quashed, and the motion in arrest of judgment should have been sustained.

The defendant having based his motion to quash and his motion in arrest of judgment upon the ground of such illegal discrimination, the burden was upon him to prove the facts alleged. Such has been the ruling of this court for many years. See *State v. Murray*, *State v. Joseph*, *State v. West*, *State v. Baptiste*, *supra*.

And such is the ruling of the Supreme Court of the United States. *Martin v. Texas*, *supra*. In *Bush v. Kentucky*, 107 U. S. 110, 1 Sup. Ct. 625, a motion was made to quash the indictment on the ground of illegal discrimination from jury service of members of the negro race because of their race or color, and, in disposing of this motion, the court said:

"It is sufficient for this assignment to say that the motion was properly overruled, for the reason, among others, that the grounds upon which it rested do not clearly and distinctly show that the officers who selected and summoned the petit jurors excluded from the panel qualified citizens of African descent *because of their race or color*."

In the case at bar, the defendant asked for, and was granted, the privilege of calling witnesses to support the allegations of his motion to quash. Twelve witnesses were called, including the clerk of court of St. John Parish, who is *ex officio* chairman of the jury commission; the sheriff of the parish, the superintendent of schools, the editor of a local newspaper who had been a census enumerator; a former clerk of the district court—all white, and four colored citizens of the parish. We have reviewed the testimony of these witnesses and find that defendant failed utterly to prove his allegations. Not only did he fail to prove that there was discrimination against colored citizens

of the parish because of their race or color at the time the grand jury which returned the indictment and the petit jury for that term of court were drawn, but he failed to prove that, as a matter of fact, the names of colored people were not included among the 300 names in the jury box. In fact, the testimony shows that, at the time the grand and petit juries were drawn, the names of at least four colored people [fol. 236] were included in the list of 300 from which the grand jury was selected and the petit jury for that term of court was drawn. Mr. Martin, the clerk of court, said, on examining the general venire list, that there were two, three or four names of colored people included, and the sheriff of the parish testified that he recognized the names of two or three negroes on the list and that there might be more. Both the clerk of court and the sheriff testified that they were not personally acquainted with all of the male citizens of the parish and especially the colored citizens, and that, with more time to check the list, they might find more names than those already pointed out. Mr. Martin, the clerk of court, testified that the name of at least one negro was drawn to serve on the petit jury drawn at the same time that the grand jury sought to be quashed was selected. He and the sheriff both said they did not remember whether negroes had served on juries in that parish in former years or not. A colored man named Soraparu testified that he knew a few negroes who had served on juries in that parish. Another colored man named Dinvant testified that he himself had served on a jury in that parish in his "young days", something like 30 years ago.

The major portion of the testimony introduced by counsel for defendant had reference to the number of adult negro males in the Parish of St. John who could read and write. All other qualifications prescribed by law seem to have been overlooked. The qualifications prescribed are that the person must be a bona fide resident of the parish for one year next preceding such service, not under interdiction or charged with any crime or offense, nor convicted at any time of any crime or offense punishable with hard labor; that he must be able to read and write and be a competent and intelligent person of full age. Under the law, a person of full age may be able to read and write and still not possess the qualifications prescribed by law.

The testimony shows that the population of St. John Parish is between 12,000 and 14,000, and that, of this number, approximately 3000 or 4000 are negroes. No witness knew how many negroes above the age of 21 years in the Parish of St. John are able to read and write. The witnesses called could do no more than estimate the number. These estimates vary. Mr. Reynaud, who had been editor of a local newspaper, testified that only two negroes were subscribers for his paper. He said that he was at one time a census enumerator and that in his opinion there were not more than 75, and probably not over 50, negro men in the parish who could read and write. (Under the Constitution, women cannot be called for jury service unless they express in writing a willingness to serve. As a matter of fact, they are never called.)

Mr. Brou, former clerk of court, testified that in his opinion there were not more than 100 negroes in the parish qualified to serve as jurors. The colored man Soraparu stated that, according to his estimate, there were probably 150 adult negroes in the parish who could read and write. The other colored men called stated that they knew a few colored adults who could read and write, but they did not pretend to state how many of that class lived in the parish.

Mr. Montegut, superintendent of public schools, testified that the population of the parish was approximately 14,000 and of that number possibly 3000 were members of the colored race. On being questioned as to his opinion of the number of colored men in the parish between the ages of 21 and 65 who possessed the qualifications as jurors, he stated that there were possibly 25 or 50. He said that his estimate was purely a guess. In fact, the testimony of all the witnesses as to the number of those qualified for jury service was "guess work".

As we have said, there were at least four and possibly more names of colored citizens on the jury roll of 300. If there are no more than 75 or 100 colored males between the ages of 21 and 65 in the parish who can read and write—and when we consider that some of these may have been disqualified from jury service on one or more of the [fol. 238] grounds stipulated in the act of the legislature—the names of four negroes out of 300 names on the jury roll does not seem disproportionate to the number of whites, and does not, we think, indicate that there was discrimination against the colored race.

Certain it is that the testimony fails to show that there was ever any intentional discrimination against the colored race because of their race or color. The law makes it the duty of the jury commissioners to select men for jury service who are competent and intelligent. They must take into consideration the qualifications prescribed by law. In selecting the names to be placed on the jury roll, the members of the jury commission naturally select the names of those whom they know to be qualified or who they think possess the proper qualifications. It is not their duty to search the parish for members of the colored race who possess the proper qualifications merely in order that there be the names of such persons on the roll. The Supreme Court of the United States has held more than once that a member of a certain race is not entitled as a matter of law to be tried by the members of his own race. *Bush v. Kentucky*, *Martin v. Texas*, *supra*. In the former case, at page 631, the court said:

"There was no legal right in the accused to a jury composed in part of his own race. All that he could rightfully demand was a jury from which his race was not excluded *because of their color*." (Citing *Virginia v. Rives*, 100 U. S. 323.)

What the law prohibits is a discrimination against the negro or African race because of color or previous condition. In the case at bar, there is nothing to show discrimination, and therefore the refusal of the court to quash the indictment and to sustain the motion in arrest of judgment was correct.

The other bill of exception relied on by counsel for defendant was reserved to the refusal of the court to instruct the jury to disregard the remarks made by the district attorney in argument, which remarks we have already quoted. [fol. 239] While the language used by the prosecuting attorney was strong and emphatic, yet, under numerous rulings of this court, the verdict of the jury should not be set aside because of them. Under the uniform jurisprudence of this state, while such language used by a prosecuting attorney may be objectionable, it does not constitute reversible error if the evidence brought out in the trial is such as to warrant the assertions made and where it does not clearly appear that the jury was influenced by such re-

marks. *State v. Clayton*, 113 La. 782, 37 So. 754; *State v. Williams*, 107 La. 789, 32 So. 172; *State v. Forbes*, 111 La. 473, 39 So. 710; *State v. Jones*, 51 La. An. 103, 24 So. 594; *State v. Young*, 114 La. 686, 38 So. 517.

The cases of *Dreher and LeBoeuf*, *Dalleo and Capaci*, *Eisenhardt and James*, referred to by the district attorney, are matters of history in this state. The defendants in those cases were found guilty of murder and were hanged. In the cases of *State v. Dreher and LeBoeuf*, 166 La. 924, 118 So. 85, and of *State v. Genna*, 163 La. 701, 112 So. 655, this court held that a reference to such celebrated cases as the *Loeb-Leopold* and the *Gray-Snyder* cases did not constitute reversible error.

There were other bills of exception reserved by counsel for defendant, but they seem to have been abandoned, as they were not discussed in oral argument before the court and are not in counsel's brief.

For the reasons assigned, the judgment appealed from is affirmed.

O'Niell, C. J., dissents and hands down reasons.

[fol. 240] IN SUPREME COURT OF LOUISIANA

No. 34,742

[Title omitted]

DISSENTING OPINION

O'NIELL, C. J., dissenting:

The defendant's motion to quash the indictment in this case was not only a motion to quash the indictment, but was also a motion to quash the panel of petit jurors drawn for the term of court in which the defendant's case was set for trial. After hearing the testimony on the motion to quash both the grand jury panel and the petit jury panel, the judge sustained the motion so far as the petit jury panel was concerned, and quashed the panel, on the authority of *Norris v. Alabama*, 294 U. S. 587, 79 L. Ed. 1074. The judge found, as a fact, that there was, in the selection of the names in the general venire box and on the general venire list, the discrimination which the defendant com-

plained of. But the judge refused to quash the indictment, or to quash the grand jury panel, from which the grand jury that found the indictment was drawn; and the judge stated, as his only reason for so ruling, that an indictment was merely an accusation, and that the judge was obliged to charge the jury, and always did charge the jury, on the trial of the case, that the mere presentment of an indictment was not evidence of guilt. The distinction which the judge drew, between the petit jury panel and the grand jury panel, was contrary to the ruling of the Supreme Court in *Carter v. Texas*, 177 U. S. 442, 447, 44 L. Ed. 839, 841, and the several decisions there cited. We must bear in mind that the grand jury panel, in this case, was taken from the same general venire list and general venire box that the petit jury panel was taken from. Therefore, when the [fol. 241] judge quashed the petit jury panel because of the invalidity in the selection of the names that were placed in the general venire box and on the general venire list, his ruling had the effect of annulling the grand jury panel, which was drawn from the same list of names in the general venire box.

As an original proposition, I defer to the judgment of the judge of the district court, in his finding of fact with regard to the selection of the names for the general venire list.

[fol. 242] IN SUPREME COURT OF LOUISIANA

No. 34-742

[Title omitted]

PETITION FOR REHEARING

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of Louisiana:

The Petition for Rehearing of Hugh Pierre, Defendant and Appellant herein, respectfully represents:

1

That there is error committed to his prejudice in the judgment rendered by this Court on Monday, March 7, 1938, as will be more fully shown, as follows:

2

That this Honorable Court committed error to his prejudice in maintaining the Judgment of the District Court, in

overruling and refusing to Quash the Grand Jury Venire and Indictment against Defendant and Appellant, and in not maintaining the Motion to Quash and Motion in Arrest of Judgment, filed on Appellant's behalf; that, with due respect to this Court, Counsel urgently shows that your Honors' Judgment and Decree is founded upon misconception, misconstruction and misinterpretation of the ruling of the Supreme Court of the United States, in the case of *Norris vs. State of Alabama*, 294 U. S. 587, 79 Law Ed. 1074, as the Supreme Court of the United States states clearly that the burden resting upon defendant to show discrimination is that he must make out a prima facie case of discrimination; nothing more. See the opinion of the Supreme Court 79 Law Ed. 1081.

3

That this Court was in error in deciding that the evidence showed at least four negroes on the Jury Venire. With due respect to this Court, we emphatically state that no such evidence of any negro's name appearing on the jury list or the venire that returned the Indictment against Appellant, can be found, except the name of Ernest Martin, which the Clerk, Martin, testified was a negro; that this name was by mistake in the box. Counsel for Appellant has the greatest respect for this Court's opinion, but respectfully urges that this Court has upset its entire policy, jurisprudence and the clear rule of law, in refusing to accept the Trial Court's findings of fact; that Defendant and Appellant had been discriminated against in the selection of jurors on the [fol. 243] General Venire, Grand Jury and Petit Jury, and whose findings of fact, together with his positive information and judicial knowledge that negroes had been discriminated against and excluded from the roll of jurors, because of their color and race; that the defendant was discriminated against in the selection of the Grand Jury and Petit Jury that indicted him. Your Honors cannot ignore the Trial Court's findings of fact in this case, and when your Honors place a burden of proof upon the shoulders of Defendant that the law does not require, is error of great magnitude, and should not be left to stand for future jurisprudence.

4

Your Honors were in error in holding that this case came under the decisions cited in your Honors' opinion at Page

3, for instance, the case of State vs. Gill 186 La. 339. This was a case of a negro murdering his negro children; that the constitutional question was not raised at the proper time. From a mere reading of your Honors' decision, it has no application to the ruling of the Supreme Court in the case of Norris vs. Alabama.

In the case cited by your Honors, State vs. Turner, 133 La. 555, was the murder case of a negro killing a negro; however, Chief Justice Monroe's opinion, as the organ of the Court, is certainly at variance with the holding of the U. S. Supreme Court, in the case of Norris vs. Alabama.

In the case of State vs. Baptiste 105 La. 661, the question alone was submitted on the ex parte affidavit of the Defendant. That was the entire proof offered. Unquestionably, the Court's decision was correct. The Defendant failed to make prima facie proof of the discrimination of negroes from the jury roll, as required by law.

In the case of State v. West, a very significant fact, this Court accepted the findings of fact of the Trial Court. The opinion shows clearly that the accused failed to even prove he was a negro, or that the man killed was a white man. There was no proof whatsoever offered on the Motion to Quash.

In the case of State vs. Murray 47 Ann. 1424, the evidence in that case showed affirmatively that there were negroes on the Grand Jury Panel that indicted the Defendant. The Supreme Court also upheld the Trial Court's findings of fact.

In State vs. Joseph, decided in 1893, the Supreme Court, after reviewing the evidence, took the position the same as this Court has in the present case, that the Defendant was not discriminated against, although the evidence showed on the hearing of the Motion to Quash that the names of no negroes were contained in the venire box from which jurors [fol. 244] were selected. The Court did the same as the Court in the present case, recognized the principle of law, stated in the opinion of the case of Strauder vs. West Virginia, 190 U. S. 303, but nullified the U. S. Court's ruling in its findings of fact, just as is done in the present Court's opinion in this case. In other words, with due respect, we urge that this Court has consistently, from 1893 down to date, avoided and nullified the U. S. Court's decisions on the "*negro question*".

In the case of State vs. Lawrence, the record showed that no proof was even offered whether the man killed was white, or the accused a negro. It was also shown that the source of deriving jurors was from the City Directory, which contained the names of qualified negroes, the same as qualified whites. The significant fact is that the Court in this case followed and maintained the judgment of the Trial Court and refused to go behind its findings of fact.

5

Petitioner shows that there is abundant evidence in this record to show that negroes have been consistently excluded from juries in St. John the Baptist Parish for the last forty years, and that this exclusion was on account of their race and color; that Judge Robert Rivard's judgment showed that no negro had been on juries, or chosen, or selected for juries since he has been judge, or since, as he expresses it, "when he was a little boy in short pants". The judge's findings of fact in this matter should be conclusive upon this Court, and counsel challenges the State to show where in one instance except by mistake, a negro was ever selected to serve on any jury in that Parish. As the Supreme Court has said in the Norris vs. Alabama case 79 Law Ed. 1078:

"That testimony in itself made out a prima facie case of the denial of the equal protection which the Constitution guarantees. See Neal vs. Delaware, 103 U. S. 370, 21 Law Ed. 567 supra." * * *

Also at Page 1081:

"We think that this evidence failed to rebut a *strong prima facie case* which defendant had made." * * *

6

Petitioner further shows your Honors have further erred in your Honors' opinion in not reversing the Lower Court's judgment and sentence, upon the Bill of Exception, reserved by Defendant and Appellant, to the District Attorney's remarks before the jury, as set out in Appellant's brief, and as recognized in the Court's opinion. Your Honors are reminded that this is a Capital case. In the opinion in this case, your Honors state that the District Attorney's remarks, in his closing argument to the jury, were "im-

[fol. 245] proper and objectionable'', to use your Honor's terms. Then what must we further show in a case to secure a reversal than to show improper conduct and remarks on the part of a District Attorney in his address to a jury? We urge your Honors not to advance the rule, as you have set out in the Court's opinion, to require a Defendant to go further and show in what particular he was injured. This requirement is an impossibility to be met. For instance, your Honors would not think, or could not expect a jury to jump up in a jury box and clap when the District Attorney gets through, as probably they would do in a theater. We have laid the facts and circumstances in the Bill of Exceptions in a legal manner, thoroughly and legally sound in form and substance. The objection made, at the time of the argument, a request to the Trial Judge to instruct the jury to disregard same. What more, we ask, could we do? We submit that the language used by the District Attorney is reversible error, plain on the face; that the facts of this case, which were made a part of the Motion for New Trial, must be gone into, as a matter of law, to determine whether the comparisons by the District Attorney in his closing argument were justified or not, and we submit there is no justification at all; that, had Hugh Pierre been a white man, he never would have been tried in any parish for this offense.

7

Petitioner further shows that these errors herein are so grave and go to the very essence of the Constitutional rights of this accused, guaranteed him under the Constitution of the State of Louisiana, and of the 14th Amendment of the Constitution of the United States; that to allow said errors to stand would completely break down Constitutional Law for protection of human liberties in this State; that petitioner's counsel did not have the proper time in the original argument before this Honorable Court to specifically point out, as should have been done to your Honors, the consequences and nature of the said errors, as fully shown, in order that this Court would be able to determine their full weight and effect.

Wherefore, petitioner prays this Honorable Court do grant him a Rehearing herein, as the law directs, and that, after due proceedings had, he be granted a rehearing herein,

and that the said case be reassigned for argument, and that same be reversed and remanded for a New Trial, and for all other general and equitable relief, as may be necessary in the premises.

(Signed) Maurice R. Woulfe, George M. Brooks, Attorneys for Defendant and Appellant.

[fol. 246] *Duly Sworn to by Maurice R. Woulfe. Jurat omitted in printing.*

[fol. 247] IN SUPREME COURT OF LOUISIANA

ORDER REFUSING REHEARING—April 4, 1938

By the COURT:

No. 34,742. State vs. Pierre

It is ordered that the rehearing applied for in this case be Refused.

[fol. 248] IN SUPREME COURT OF LOUISIANA

34,742

[Title omitted]

PETITION FOR STAY OF EXECUTION AND DELAY TO APPLY FOR WRITS OF CERTIORARI, REVIEW, OR APPEAL TO THE SUPREME COURT OF THE UNITED STATES OF AMERICA, ON BEHALF OF HUGH PIERRE

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of Louisiana:

The petition of Hugh Pierre, defendant and appellant in the above entitled and numbered cause, through his undersigned attorney, with respect represents:

1

That the opinion and decree of this Honorable Court of Monday, March 7, 1938, affirming the verdict of the jury, and the sentence of the Honorable the 24th Judicial District Court for the Parish of St. John the Baptist, Louisiana,

is final, this Honorable Court having refused an application for Rehearing on the 4th day of April, 1938.

2

That your petitioner avers that the said opinion and decree of this Honorable Court deprives him of the rights guaranteed him under the Fourteenth Amendment to the Constitution of the United States of America, in that he is now deprived of his liberty without due process of law, and further that he was denied the equal protection of the laws; which amendment provides, as follows:

"Article XIV, Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and the State wherein they reside. No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

[fol. 249]

3

Petitioner further avers that he has been deprived of his rights under the Constitution of the State of Louisiana of 1921, and especially Article 1, Section 2, 9, 15 thereof, which provide, as follows:

Article I, Section 2. No person shall be deprived of life, liberty, or property, except by due process of law.

Section 9. In all criminal prosecutions the accused shall have the right to a speedy public trial by an impartial jury;

Section 15. This enumeration of rights shall not be construed to deny or impair other rights of the people not herein expressed.

That the indictment herein is null and void, in that same was returned by an illegally constituted Grand Jury on which negroes or persons of color were systematically and illegally excluded therefrom on account of their race and color, and that defendant and appellant, being a colored man, was illegally and unconstitutionally discriminated

against on account of his race and color by said exclusion, and the Court's refusal to quash the indictment herein and the Grand Jury Venire that returned same, in violation of defendant's and appellant's constitutional rights granted him under the 14th Amendment to the Constitution of the United States, and the Constitution of the State of Louisiana of 1921.

4

Petitioner further avers that he is desirous of applying to the Honorable the Supreme Court of the United States of America for writs of Certiorari and review or appeal to review the decision of this Honorable Court upon the issues hereinabove raised, and as shown by the record of this cause, and that Petitioner desires that he may be granted a stay of execution and delay in which to apply to the Honorable the Supreme Court of the United States of America, and that the decree or mandate of this Honorable Court be stayed so that Petitioner will have an opportunity to present to this Honorable Court their application to the Honorable the Supreme Court of the United States of America for relief.

Wherefore, the premises considered, Petitioner prays that after due consideration, that this Honorable Court grant him a stay of execution, and that he be permitted and granted a delay of ninety (90) days within which to prepare and file his petition for Writs of Certiorari and Review, or Appeal to review the decision of this Honorable Court, and [fol. 250] that the decree or mandate of this Honorable Court be withheld and stayed accordingly until the final disposition of the matter in the Honorable the Supreme Court of the United States of America.

And for all general and equitable relief.

(Signed) Maurice R. Woulfe, Attorney for Petitioner.

STATE OF LOUISIANA,
Parish of Orleans:

Personally came and appeared, before me, the undersigned authority, Maurice R. Woulfe, who first being duly sworn, deposes and says: That he is the attorney for Hugh Pierre, petitioner in the above and foregoing petition, that he has read the same and knows the contents thereof, and that

all the allegations and facts therein contained are true and correct to the best of his knowledge, information and belief.
(Sgd.) Maurice R. Woulfe.

Sworn to and subscribed before me, this 4th day of April, 1938. (Signed) Theodore H. McGiehan, Notary Public.

Certificate

Maurice R. Woulfe, Attorney for Hugh Pierre, Petitioner herein, hereby certifies that the aforesaid petition and application for a stay of execution and delay is made in good faith, and further certifies that he verily believes that said Petitioner is entitled in law to the relief sought.

(Sgd.) Maurice R. Woulfe, Attorney for Petitioner.

New Orleans, La., April 4, 1938.

ORDER STAYING EXECUTION OF JUDGMENT

Let a stay of execution of the Decree of this Honorable Court be granted to Petitioner as prayed for, and let Petitioner be granted a delay of Ninety (90) days within which to prepare and file necessary papers for Writs of Certiorari and Review or Writ of Error, or Appeal to the Honorable the Supreme Court of the United States of America.

(Signed) Charles A. O'Niell, Chief Justice, Supreme Court of Louisiana.

New Orleans, La., April 4, 1938.

[fol. 251] IN SUPREME COURT OF LOUISIANA

No. 34,742

[Title omitted]

ORDER ALLOWING WITHDRAWAL OF RECORD

On motion of Maurice R. Woulfe, attorney for the Defendant and Appellant herein and on suggesting to this Honorable Court that an appeal and application for writ of certiorari has been taken in this matter to the United States Supreme Court, and that it is necessary that the record of the Twenty-fourth Judicial District Court, Parish of St. John the Baptist, Louisiana, as filed in this Court

should be withdrawn from this Honorable Court in order that the same may be filed with the Clerk of the Supreme Court of the United States, in order to perfect the appeal herein taken.

It is Ordered by the Court that Mover be and he is hereby permitted to withdraw one copy of the record filed herein by the Clerk of the Twenty-fourth Judicial District Court, Parish of St. John the Baptist, Louisiana, same to be used for the purpose of perfecting the appeal and application for writ of certiorari to be filed in the United States Supreme Court.

(Signed) Charles A. O'Niell, Chief Justice of the Supreme Court of Louisiana.

New Orleans, La., June 9, 1938.

[fol. 252] Clerk's certificate to foregoing transcript omitted in printing.

[fol. 253] SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING CERTIORARI—Filed October 17, 1938

The petition herein for a writ of certiorari to the Supreme Court of the State of Louisiana is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

[fol. 254] SUPREME COURT OF THE UNITED STATES

STIPULATION AS TO PRINTING RECORD—Filed June 22, 1938

It is stipulated and agreed by and between Maurice R. Woulfe, Counsel for Petitioner, and James O'Conner, Assistant Attorney General, State of Louisiana, Counsel for the State of Louisiana, that, in order to save expense in the printing of the record herein, the following portions of the record, the same being sufficient to show the errors complained of, shall be printed, and no more, to-wit:

Record

- | | |
|---|-------------------------------------|
| 1. Copy of Indictment with notations of
verdict and sentence | P. 20 |
| 2. Copy of Motion to Quash Indictment | P. 21 |
| 3. Evidence taken on hearing of Motion to
Quash | P. 61-99, inc., 37-49 inc., 226-231 |

Record


4. Judgment of Trial Court on Motion to Quash P. 22 & 23
5. Bill of Exception #1 taken to overruling Motion to Quash P. 28
6. Per Curiam to Bill of Exception #1 P. 29 & 30
7. Notation showing filing of record from 24th Judicial District Court, Parish of St. John the Baptist, Louisiana, to the Supreme Court of Louisiana. (Cover of Tr.)
8. Judgment of the Supreme Court of Louisiana (Extract from minutes).
9. Opinion and decree of the Supreme Court of Louisiana and dissenting opinion Mr. Chief Justice Charles O'Neil.
10. Application for Rehearing.
11. Rehearing refused by the Supreme Court (Extract from minutes).
12. Petition for stay of execution with order of Court granting same.
13. Petition for Writ of Certiorari to United States Supreme Court and order thereon.
14. Accompanying Brief for Writ of Certiorari.
15. Motion and order of Supreme Court of Louisiana allowing withdrawal of copy of the transcript of appeal from the 24th Judicial District Court for the [fol. 255] Parish of St. John the Baptist, Louisiana, and filed in the Supreme Court of Louisiana to be forwarded to the Supreme Court of the United States, as part of the Petition for Writ of Certiorari to that tribunal.
16. Clerk's Certificate.

Maurice R. Woulfe, Counsel for Petitioner. James O'Connor, Assistant Attorney General, Counsel for State of Louisiana.

[fol. 256] [File endorsement omitted.]

Endorsed on cover: In forma pauperis. File No. 42,627. Louisiana Supreme Court. Term No. 142. Hugh Pierre, petitioner, vs. State of Louisiana. Petition for a writ of certiorari and exhibit thereto. Filed June 22, 1938. Term No. 142, O. T., 1938.

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